

Harpers Ferry Board of Zoning Appeals

Hearing, September 12, 2023

Meeting Minutes`

Location: Town Hall

**Call to order and attendees** - The meeting was called to order by Vice Chair Ed Wheelless at 6:30 pm.

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

SEAT 2 (term ends January 1, 2025): Bart Wheatley - PRESENT

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): Chad Gauthier – ABSENT

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

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

**Administrative Meeting**

The Board discussed draft revisions to the Appendix A, Historic District Standards and Guidelines, proposed by the Historic Landmarks Commission and agreed on a list of recommendations, which is attached.

At 8 p.m. a motion was made by Lynn Pechuekonis to adjourn. Seconded by Bart Wheatley. Passed unanimously.

Minutes submitted by Lynn Pechuekonis.

**PART THIRTEEN – ZONING AND SUBDIVISION CODE**

**APPENDIX A STANDARDS AND GUIDELINES**

Page	Header	Explanation	Action
10	Harpers Ferry Historic District	5 <sup>th</sup> through 7 <sup>th</sup> paragraphs that begin “The official catalog of contributing structures...” muddies which inventory – local or national register – is binding for the Standards and Guidelines. I believe the local inventory is authoritative in this case.	The information on grants is helpful but should be placed elsewhere or in a distinct sidebar.
10	Harpers Ferry Historic District	6 <sup>th</sup> paragraph. “The 2010 Continuation Sheet contains the <b>definitive</b> historical descriptions...”. Over the years, we have found many discrepancies in the 2010 nomination.	We suggest you omit the word “definitive”
10	Harpers Ferry Historic District	6 <sup>th</sup> paragraph. “...which requires written approval of the property owner as part of the nomination process.”. This approval was not obtained and may cause confusion.	Delete this phrase: “...which requires written approval of the property owner as part of the nomination process.”.
13	Purpose of This Document	Question about removal of last bullet point.	We are fine either way.
18	Standards for all properties...	Numbering got off.	First sentence in bold lettering should be No. 1 and so on...
20	ALTERNATIVE MATERIALS	5 <sup>th</sup> paragraph. “The table below...” is missing.	We strongly recommend keeping the Table of Alternative Materials. If you are planning changes there, we would like to see them.
22	BALCONIES	Definition of balcony differs from Appendix A[3]. Shouldn’t we reserve all definitions for the	Omit balcony heading here, since it is addressed in the definitions and there is nothing about balconies in the Porches, Decks section.
23	COLUMNS	Should there be a heading for columns? Columns are not addressed under the “porches, decks, and galleries” section.	Can you return the heading for Columns and then direct readers to the Alternative Materials table, where columns are mentioned?
24	DECKS <i>Additional Standards for Historic Resources</i>	First bullet. “Decks constructed of unfinished pressure treated woods shall be painted or stained.” is redundant with the first sentence “...of painted or solid-stained wood”.	Remove this redundant sentence under “Additional Standards...”: “Decks constructed of unfinished pressure treated woods shall be painted or stained.”
26	DRIVEWAYS	Item 1. Second and third sentence are	Delete the second and third sentences and

	<i>Standards for all properties in the Historic District</i>	redundant with 1304.03. While the reinforcement of that point may be helpful to some, I am concerned that if 1304.03 were to change, will this become contradictory?	replace with “See Article 1304.03 of the Codified Ordinances.”
27	FENCES, GATES and WALLS <i>Standards for all properties in the Historic District</i>	Item 1. “...historically appropriate age appropriate...” run on?	Fix by either adding “and” between the two phrases or delete one of the phrases.
27	FENCES, GATES and WALLS <i>Standards for all properties in the Historic District</i>	Item 1. Last sentence should be a separate item?	Add a hard return before the last sentence and make it Item 2.
27	FENCES, GATES and WALLS <i>Standards for all properties in the Historic District</i>	Missing from original “All fences must be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall that faces an adjacent property or public right-of-way, unless supporting members are exposed on both sides due to the specific design of the fence.”. Intentional?	We would like to return this Standard from the original.
28	FENCES, GATES and WALLS CONT.	<b>“Replacement of existing fences, gates and walls must be approved before beginning work.”</b> Even if like-for-like? Is this something that should be in the ordinances instead of App. A?	We recommend removing this statement. It’s better not to repeat ordinances in Appendix A, so that there are not conflicts if the ordinances are revised.
28	FOUNDATIONS	Are these standards, guidelines or narrative text?	Add a subheading to clarify
28	FOUNDATION	“Foundation materials are considered character-defining aspects of walls and their treatment should <b>correspond to the treatment of other wall materials.</b> ” Unclear.	Please clarify the meaning of this statement. Do you mean other wall treatments on the same house? Or others in the neighborhood? Or something else?
28	FOUNDATION	“New construction should be harmonious with existing contributing structures in terms of materials, design and appearance.”	This statement is true for all aspects of new construction and is unnecessary here. May be deleted.
29	GARAGES, CARRIAGE HOUSES, SHEDS and OUTBUILDINGS <i>Standards for all properties in the Historic District</i>	2 <sup>nd</sup> paragraph duplicates Fundamental Standard number 2. Is this necessary?	Consider deleting second paragraph.

30	GARAGES, CARRIAGE HOUSES, SHEDS and OUTBUILDINGS <i>Guidelines for new sheds</i>	2 <sup>nd</sup> sentence: specifies “smooth fiber cement siding”	Perhaps should say instead, “approved alternative material”
30	GARAGES, CARRIAGE HOUSES, SHEDS and OUTBUILDINGS <i>Guidelines for new sheds</i>	<p>“Multiple garage doors are acceptable but each should be of single car width only”. Is this relevant to sheds?</p> <p><b>“Attached garages shall occupy no more than 50% of the principal façade of the building.”</b> Should there be a note referring to additional ordinances regarding total square footage of structures on a lot?</p>	<p>This sentence is located in the new sheds section. Perhaps there should be a new subheading if you are reverting back to discussion of Garages. Or maybe merge it with “Multi-bay garages must be built with one door per vehicle unless sliding wood doors are used” under <i>Guidelines for new structures?</i></p> <p>At the appropriate place in this section, you may also want to refer to the ordinance that limits total square footage of structures on a lot (Article 1304.02).</p>
30	GARAGES, CARRIAGE HOUSES, SHEDS and OUTBUILDINGS		Would you be willing to consider a double garage door that is designed to APPEAR as two separate doors?
32	GUTTERS and DOWNSPOUTS <i>Guidelines for all properties in the Historic District</i>	<p>Item 4. “Round-profile galvanized gutters and downspouts...” Only the downspouts are round-profile.</p> <p><b>Item 5. “...not visible from the street,”</b></p>	<p>Consider using “Galvanized half-round gutters and round-profile downspouts...”. <i>Item 5 should say “from the public right of way” to be consistent with the other S&amp;G.s.</i></p>
34	LIGHTING	<p><i>Outdoor Lighting Standards</i> mentioned</p> <p>And Sign ordinance</p>	<p>The only Outdoor Lighting Standards we can find are located in the Promontory Overlay District section. Are there standards elsewhere for everyone else?</p> <p>Signs ordinance is now in Article 1316 rather than 1717.</p>
34	LIGHTING <i>Standards for all properties in the Historic District</i>	Item 3. Was a guideline but is now listed as a standard.	If this is a standard, we should use “required” rather than “encouraged”.
34	MASONRY	Are these standards, guidelines or narrative text?	Just need to add a subheading

34	MASONRY	In the current version, Items 1&2 are missing due to a formatting problem	Add back what should have been in the original: “Historic finishes shall not be removed to create a new appearance.” and “If original to the building and undamaged, historic masonry shall not be removed, altered or covered with other materials.”
36	MECHANICAL SYSTEMS and UTILITIES <i>Standards for all properties in the Historic District</i>	Item 3. Article 1715 not found.	Find new reference in ordinances. It's no longer 1715
38	PORCHES AND GALLERIES	Missing: A section covering exterior stairs leading to a secondary side entry on the second floor? This is not addressed anywhere.	Sometimes the top of those stairs are simply a landing, rather than a porch (or deck). Could there be guidelines as to the massing and placement of this type of staircase?
40	RELOCATION and DEMOLITION	Item 3. “The Board of Zoning Appeals may approve an emergency Demolition Review Permit...”.	We believe this authority was delegated to the Mayor.
42	ROOFS <i>Additional Standards for Historic Resources</i>	Missing but was in original “New dormers, skylights, roof decks, balconies or other additions shall only be introduced on non-principal facades and additions of this type shall not be prominently in the public view.”	Was this omitted on purpose? Can it be returned?
	ROOFS <i>Standards for all properties</i>	Item 3.	Are you ok with these skylights being visible from the public right of way? NOTE that there is a SKYLIGHT section below, so this is redundant here.
	SCREEN & STORM DOORS	Omitted	Was this moved to another section? OK if so.
43	SIDEWALKS, DRIVEWAYS and WALKWAYS	There is a separate section covering DRIVEWAYS. It will be confusing if guidance is split between two topics.	Perhaps keep the driveways info all in one play and focus here on Sidewalks and walkways.
45	SKYLIGHTS	Statement is duplicated under ROOFS. Necessary?	This one reads better, so if you combine it with ROOFS, use this language.
45	SOLAR PANELS	Are these standards, guidelines or narrative	Just add a subheading

		text?	
45	SOLAR PANELS	Item 2. "...homeowners shall apply to the Board of Zoning Appeals for permission...".	Better wording would be "as part of the project permit"
49	STUCCO and PARGING	Are these standards, guidelines or narrative text?	Just needs the correct subheading
49	STUCCO and PARGING	5th item. "...to be approved by the Board of Zoning Appeals..."	should read "...to be approved by the Ordinance Compliance Officer or the Board of Zoning Appeals..."
49	STUCCO and PARGING	Last item also mentioning BZA.	Maybe this instead: A variance may be requested from the BZA for the removal of stucco and parging and only with the assurance...
49	SWIMMING POOLS and HOT TUBS <i>Standards for all properties in the Historic District</i>	Item 1. I'm not sure this statement is needed. "...shall be reviewed by the HLC and approved by the BZA".	Change wording to "All swimming pools and hot tubs require a Zoning Compliance Project Application prior to installation."
50	TEMPORARY STRUCTURES <i>Guidelines for properties in the Historic District</i>	Item 2.	Add the caveat "...where possible"
50	VIEWSHEDS	Item 2. List of specific viewsheds	Add Potomac River from Jackson paper street and Van Wert paper street to be consistent.
51	WINDOWS cont	Items 2, 3, 5, 6 need wording consistent with the rest of the S&Gs	Item 2. Should be "Window visible from the public right of way should be a clear glazing." Item 3. Should be "...not be used if they are visible from the public right of way." Item 5. Should be "...defining trim elements visible from the public right of way..." Item 6. Should be "...replacement windows visible from the public right of way..."
51	WINDOWS cont	Item 7. "...considered by the HLC on a case by case basis." It that what it should say?	This is a BZA decision, not HLC

51	WINDOWS cont	ALSO, Items 5-7 refer to contributing structures.	Move to Additional Standards for Historic Resources section
52-53	WINDOWS cont	Item 6 repeats Item 1 at top of page, Item 7 repeats Item 2	Delete redundant items.
54	APPENDIX A[1] <i>A. Guidelines</i>	Itemized list begins with 2.	Change first item to “1”
68	NAPPENDIX A[3]	Formatting issues	Remove Extra ‘N’ prefacing the title.  The following definitions run together: Capital and Column Downspout and Eave Finial and Flashing Gable and Gallery Transom Window and Tread
76	APPENDIX A[3] Visible From The Public Right-Of-Way	“...as viewed from a public street...”  I see that Decks are not defined in the definition section.	Maybe should clarify that this means both improved streets and paper streets?  Add a definition for Decks - <b>use the same definition of “deck” as appears in the glossary for Part 13 of the code</b>
	APPENDIX	Location question	In the ordinances, the definitions are always located at the beginning of a section before the codes. Would it increase consistency to format the new Appendix A so that the definitions are located at the beginning instead of the end?