

Harpers Ferry Board of Zoning Appeals

Hearing, February 27, 2024

Meeting Minutes

Location: Town Hall

Call to order and attendees - The meeting was called to order by Chair Dave Simmons at 6:30 pm.

SEAT 1 (term ends January 1, 2027): David Simmons, Chair – PRESENT

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

GUESTS: Laura Thomas, Applicant

Administrative Meeting

Annual Election of Officers – Officers were elected as follows:

Chair: Ed Wheelless nominated David Simmons for Chair; Lynn Pechuekonis seconded; 3 in favor; David abstained.

Vice Chair: Lynn nominated Ed Wheelless for Vice Chair; David seconded; passed unanimously.

Secretary: Ed nominated Lynn Pechuekonis for Secretary; David seconded; passed unanimously.

David noted that Chad Gauthier, Alternate 1, has a term ending March 1. He will contact Chad to see if he will reapply for another term.

At 6:36 David moved to adjourn the administrative meeting; Ed seconded; passed unanimously.

Hearing

David Simmons called the hearing to order at 6:37 pm.

Variance Request for Zoning Compliance Permit Application located within the setback areas [Article 1304.02(a)]:

970 West Ridge Street, Harpers Ferry, WV

The applicant, Laura Thomas, described the project, which is to place a prefabricated shed on a gravel pad, situating it so that is six feet from the rear property line and two feet from the side property line to the west. Letters of support were received by the BZA from property owners to the west and the rear of the applicant's property. The applicant addressed the variance criteria from Article 1326.04(b) of the Codified Ordinances of Harpers Ferry.

David moved to close the hearing at 6:50 pm; Lynn seconded; passed unanimously.

Ed moved for private deliberations; Lynn seconded; passed unanimously.

The Board began private deliberations at 6:50 pm. David moved to end deliberations at 7:15 pm; Ed seconded; passed unanimously.

The Hearing was continued at 7:16 p.m. Applicant Laura Thomas was present via phone.

David stated the BZA finding that the two-foot setback on west side of the property did not require a variance, because it conformed to Article 1304.02b(3)A, in that it is consistent with the setback of an existing shed on the property adjacent to the rear of the applicant's property.

David then moved to grant a variance for the six-foot setback at the rear of the property in order to preserve an existing tree and patio; Ed seconded; passed unanimously.

David moved to end the hearing at 7:18 pm; Ed seconded; passed unanimously.

Administrative Meeting

The administrative meeting was continued at 7:20.

Ed moved to approve the agenda; seconded by Lynn; approved unanimously.

1. Lynn moved to approve the minutes of the administrative meeting on November 21, 2023; Ed seconded; passed unanimously.
2. Discussion regarding definition of "Structure" in Appendix A and ordinances. The board is concerned about using a definition of structure that is overly broad and will inadvertently require property owners to obtain Town permits for items that have not historically been required. It was agreed to present the Ordinance Review Committee with the following suggested revision to the wording it is proposing:

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, mobile homes, ~~monopoles~~, swimming pools, ~~backstops for~~ tennis courts, gazebos, and pergolas. **A structure does not include such things as flag poles, utility poles, driveways, bird baths, bird feeders, garden trellises, fountains, basketball hoops, picnic tables, AC units, fuel tanks, firepits, wading pools, or mailboxes.**

3. Discussion of Appendix A in BZA member binder. The board was alerted to the fact that the ordinances had been updated, and several board members may have been using printed copies of the ordinances that were out of date. Members are also aware that Appendix A is under revision and may also need to be updated in the BZA member binders in the near future.
4. Discussion of possible budget request to the Town for legal services. By the meeting date it was too late to make a budget request for fiscal year 2024-25, but the board did note that there are occasions on which it would be advantageous to have the Town attorney present at our hearings. BZA will continue to ask Mayor for attorney presence for hearings when deemed necessary by the board.

5. **Adjournment** – Ed moved to adjourn the administrative meeting at 7:55 pm; seconded by Lynn; Passed unanimously.

Minutes submitted by Lynn Pechuekonis.