

Harpers Ferry Board of Zoning Appeals

Minutes of Hearings and Administrative Meeting May 19, 2025

Meeting Minutes

Location: Town Hall

Call to order and attendees - The meeting was called to order by Chair Dave Simmons at 6:18 pm.

SEAT 1 (term ends January 1, 2026): Ed Wheelless, Vice Chair – PRESENT

SEAT 2 (term ends January 1, 2026): Bart Wheatley - PRESENT

SEAT 3 (term ends January 1, 2027): David Simmons, Chair – PRESENT

SEAT 4 (term ends January 1, 2028): Lynn Pechuekonis, Secretary – PRESENT, recording minutes

SEAT 5 (term ends January 1, 2028): Kurt Christensen - PRESENT

ALTERNATE 1 (term ends January 1, 2027): VACANT

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

ALTERNATE 3 (term ends January 1, 2027): VACANT

Also present were applicants Jimmy Sayed, Joette Breeden, Eddie Love, Mary Love, their children and an unidentified friend; as well as members of the public Brenda Christiansen, Jessie Melton, and Joe Wiggington.

Administrative Meeting

Approval of agenda – Ed Wheelless moved to approve the agenda; Bart Wheatley seconded; unanimously approved.

Approval of minutes – Ed Wheelless moved to accept the minutes of the administrative meeting on February 21, 2025. Bart Wheatley seconded. Motion passed unanimously. Ed moved to accept the minutes of the hearing on February 21, 2025. Bart seconded. Motion passed, 4-0, with Lynn Pechuekonis abstaining. Ed moved to accept the minutes of the administrative working meeting of March 4, 2025. Bart seconded. Motion passed, 4-0, with Lynn abstaining.

Adjournment – David Simmons moved to adjourn the administrative meeting. Ed seconded. Motion carried unanimously.

Hearing

David Simmons called the hearing to order at 7:04 pm.

1. **Variance Request for Zoning Compliance Permit Application** changing appearance to front of building [Appendix A: Doors and Entrances, Windows]:

600 Washington Street, Harpers Ferry, WV

The board discussed the requests encompassed in the application with applicants, Eddie and Mary Love.

Jesse Melton provided public comment in favor of the application.

2. Deliberation

At 7:40, there being no further questions for the applicant, Ed moved to close the hearing, seconded by Bart; passed unanimously. The board then proceeded to public deliberation. Ed noted that fiberglass is not an approved material for replacement windows on a contributing structure. Applicant agreed that rather than installing two new windows in the center 1906 portion of the building, he would move original windows from the back of the building to the front.

After additional discussion, Ed moved to approve the variance for demolishing all front porches, columns, and shutters from the front façade; replacement and addition of windows to the 1970s wing of the building; addition of a porch and landing on the west façade of the 1970s section in a manner conforming to Appendix A criteria; replacement of two front windows in the 1906 building with original windows from the back of the building; and the reopening of the original upper windows on the second floor of the 1906 building.

Lynn seconded the motion; approved unanimously.

David then called the second hearing to order at 8 pm

3. **Variance Request for Zoning Compliance Permit Application** changing appearance to front of building [Appendix A: Doors and Entrances, Windows]:

168 High Street, Harpers Ferry, WV

The board discussed the application requests with applicant Jimmy Sayed and his business partner Joette Breeden. Applicant testified that he purchased new wooden two-over-two windows to replace the original six-over-six windows after a brief in-person conversation with the Ordinance Compliance Officer and sometime prior to December 12, 2024. Applicant also noted that the OCO expressed concerns about several 4x4 posts he added to the observation deck on the top level at the back of the building, on which he had affixed string lights. This item was included when he submitted a ZCPA on December 23, 2024.

After hearing the applicant's testimony, David moved to adjourn the hearing; Lynn seconded the motion; carried unanimously.

4. **Private Deliberation.** At 8:36 pm, Bart moved for private deliberation; Lynn seconded the motion; carried unanimously. At 8:50 David moved to end deliberation; Ed seconded the motion; carried unanimously.
5. The Board reconvened publicly, and David moved as follows:
 - a. Approve the variance for the wood door to replace the current modern glass door.
 - b. Table the discussion on the windows pending further investigation of the circumstances leading to the applicant's choice of windows not conforming to the requirements of Appendix A section on WINDOWS.

Bart seconded the motion; carried unanimously.

Lynn moved to approve the posts on the observation deck; Ed seconded the motion. Motion carried with the following vote: 3 in favor (Ed, Lynn, Bart); 2 opposed (David, Kurt).

6. **Adjournment** – At 8:54 pm David moved to adjourn, seconded by Ed Wheelless; approved unanimously.

Minutes submitted by Lynn Pechuekonis.