

Harpers Ferry Board of Zoning Appeals

Minutes of June 10, 2025 Hearing Continuation and Administrative Meeting

Meeting Minutes

Location: Town Hall

Call to order and attendees - The meeting was called to order by Chair Dave Simmons at 7 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, his business partner Joette Breeden, and OCO Kevin Hamilton.

Continuation May 19, 2025 Hearing

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

Ed Wheelless moved to approve the agenda as submitted, seconded by Lynn Pechuekonis and unanimously approved.

David noted that in the interim since the May 19 hearing, the Board received the following documents for its consideration:

1. A summary of email communications from Kevin Hamilton to the applicant after the ZCPA was received on December 23, 2024.
2. The window specifications submitted by the applicant.
3. A text screenshot dated December 12, 2024, noting that the windows were ready for pick up.
4. Two emails from members of the public in support of the applicant.

The board heard further testimony from the applicant regarding the purchase of two-over-two wood windows rather than like-for-like six-over-six windows. The board also heard testimony from the OCO Kevin Hamilton regarding his communications with the applicant, beginning with in-person conversations in fall 2024.

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2. **Private Deliberation**

At 7:17, there being no further questions for the applicant, Ed moved to close the hearing, seconded by Lynn; passed unanimously. Lynn moved for private deliberation; Bart Wheatley seconded; passed unanimously.

At 7:35 David moved to end deliberation; Ed seconded; passed unanimously.

The Board reconvened publicly, and David moved to deny the request for variance related to the windows at 168 High Street; Lynn seconded the motion; carried unanimously.

Lynn and Ed were tasked with drafting an accompanying resolution for the Board's review.

David also announced that, per discussion with the Town attorney, the May 19 motion to approve the posts on the observation deck was inappropriate and, therefore, void. The post issue was not included in the variance request and no public notice was posted that would have allowed public input. The board recommended that OCO Kevin Hamilton consult Appendix A for any guidance and decide whether the posts need or merit administrative approval.

Administrative Meeting

3. After the board reviewed and discussed a draft prepared by Ed Wheelless, David moved to approve the resolution accompanying May 19, 2025, approval of variance requests related to ZCPA 2025-008, 970 Washington Street. Bart seconded the motion; approved unanimously.
4. **Adjournment** – At 7:53 pm David moved to adjourn, seconded by Ed Wheelless; approved unanimously.

Minutes submitted by Lynn Pechuekonis.