

Harpers Ferry Board of Zoning Appeals
Hearing and Administrative Meeting April 27, 2026

Meeting Minutes

Location: Town Hall

Call to order and attendees - The hearing was called to order at 6:30 pm by Ed Wheelless.

SEAT 1: Ed Wheelless (term expires 1 Jan 2029) – PRESENT

SEAT 2: Bart Wheatley (term expires 1 Jan 2029) – PRESENT (arrived during deliberations)

SEAT 3: Eddie Love (term expires 1 Jan 2027) - PRESENT

SEAT 4: Lynn Pechuekonis (term expires 1 Jan 2028) –PRESENT

SEAT 5: Kurt Christensen (term expires 1 Jan 2028) - PRESENT

BZA Alternates

ALT SEAT 1: (vacant) (term expires 1 Jan 2027)

ALT SEAT 2: (vacant) (term expires 1 Jan 2028)

ALT SEAT 3: (vacant) (term expires 1 Jan 2026)

Guests Representing the applicant, Dave Lutman

HEARING

1. The BZA heard public comments and a presentation from applicant Dave Lutman regarding Variance Request for Zoning Compliance Permit Application for sidewalk in side setback [Article 1304.02(b) Setbacks for Buildings, Structures and Other Improvements]

1035 Putnam Street
2. **Deliberation** – Lynn Pechuekonis moved for private deliberation, seconded by Eddie Love; approved unanimously.
3. **The public hearing was reconvened** at 6:57 pm. Lynn moved to approve the requested variance; seconded by Bart Wheatley; passed unanimously. Lynn noted for the record that in deliberations the Board found inconsistencies between 1304.02 and across various definitions in Part Thirteen, including “Structure,” “Improvement” and ”Setback, Side.” A variance may not have been necessary but was officially granted based on our interpretation of the sidewalk being an exempted “surface treatment.”

ADMINISTRATIVE MEETING

The administrative meeting was called to order at 7pm.

Approval of minutes –Eddie Love moved to accept the minutes of the March 23, 2026, hearing and administrative meeting. Bart Wheatley seconded. Motion carried unanimously.

Approval of Draft Resolution regarding Conditional Use Permit for 1030 West Ridge Street – Lynn moved to accept the Resolution as proposed; Kurt Christensen seconded the motion; approved unanimously.

BZA Training – Ed confirmed the date for the Zoom training session as June 23, 6:30.

Concerns in town ordinances raised during private deliberations:

1. 1304.02(a) Setbacks – applies to “Structures and other improvements”
2. The “Setback, Side” definition only addresses the distance between a Structure and the Lot Line. It does not include improvements.
3. The “Structure” definition explicitly *excludes* “surface treatments such as parking lots, patios and driveways”. Since the examples given for surface treatments does not appear to be exhaustive, the BZA felt that sidewalks should be considered a surface treatment which is comparable to a driveway.
4. The “Improvement” definition is very broad and includes “Structures...fences, retaining walls, curbs, below- or above-grade utility lines and facilities, storm sewers and drains, sidewalks, ... modifications to watercourses, ... sewage disposal facilities...” many of which are commonly placed within the setback without question.

The board will send the concern to the Ordinance Review Committee requesting clarification of which specific “improvements” must be restricted by the Setback requirements and perhaps adding sidewalks to the exclusions in the Structure definition.

Resolution for 1035 Putnam Street variance – Eddie Love agreed to draft the Resolution for the board’s review.

Adjournment – Lynn moved to adjourn the administrative hearing at 7:08; Ed seconded. Motion carried unanimously.

Minutes submitted by Lynn Pechuekonis.