

Harpers Ferry Board of Zoning Appeals
Hearing and Administrative Meeting May 26, 2026

Meeting Minutes

Location: Town Hall

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

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

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

SEAT 3: Eddie Love (term expires 1 Jan 2027) – PRESENT FOR ADMINISTRATIVE MEETING ONLY

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)

Guest Representing the applicant, Mary Love. Additional Guests: Jesse Melton, Christy Huddle, Greg Vaughn

HEARING

1. **Public Comment** – The BZA heard public comments from Christy Huddle and Jesse Melton, as well as comments via letter from Leo Melton, all in support of the Variance Request for Zoning Compliance Permit Application for side setback and for balustrade materials [Article 1304.02(b) Setbacks for Buildings, Structures and Other Improvements and Part 13 Appendix A ADDITIONS and DECKS], at 970 Washington Street.
 - a. Prior to the meeting, the board acknowledged it had received public comment via email from Deborah Dumont, a neighboring property owner.
 - b. Mary Love read a lengthy letter written by Eddie Love, the applicant, responding to Ms. Dumont's concerns and adding details about the project plans. The board asked a few follow-up questions.
2. **Deliberation** – The board then began public deliberation, there being no motion for private deliberation. Following discussion, Lynn Pechuekonis moved to approve the request for variance with no conditions; seconded by Bart Wheatley; approved unanimously.
3. A motion to adjourn the hearing was made by Lynn, seconded by Bart; unanimously approved. The hearing was adjourned at 7 pm.

ADMINISTRATIVE MEETING

The administrative meeting was called to order at 7:04pm by Eddie Love

Approval of minutes – Kurt Christensen moved to accept the minutes of the April 27, 2026, hearing and administrative meeting. Bart Wheatley seconded. Motion carried unanimously.

Lynn agreed to draft the Resolution regarding the matter approved in the hearing.

Adjournment – Bart moved to adjourn the administrative hearing at 7:15; Lynn seconded. Motion carried unanimously.

Minutes submitted by Lynn Pechuekonis

Corporation of Harpers Ferry, West Virginia
Zoning Compliance Permit Resolution of the Board of Zoning Appeals

Edward Love, Application Number 2026-014, seeks two variances at his property located at 970 Washington Street Block J Lots 5 & 6, where he seeks to build a freestanding deck: (1) waiver of side set back requirement and (2) use of black aluminum balustrades on the deck railing.

Lynn Pechuekonis moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of the Town; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 26, 2025; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is Commercial.
3. The center section of the building on the property is a contributing structure in the Harpers Ferry Historic District.
4. The building on the property currently houses the business known as Appalachian Snail.
5. The operative authority regarding setbacks is Section 1304.02(b)(3)(C) of the Zoning Ordinance.
6. The operative standards for historic properties in the Historic District can be found in Part 13, Appendix A under ADDITIONS and DECKS.
7. The proposed freestanding deck will be constructed at the rear—away from the principal façade—of an existing graveled outdoor seating area adjacent to the west side of the building, which is a 1970s addition. As such, the deck will not be attached to a contributing structure.
8. The deck will be constructed at ground level beginning at the top edge of a natural ravine, extending 8 feet over the steep hillside, and is a structure having minimal to no precedent in the Historic District.
9. From the public right of way, the deck will appear to be an extension of the ground-level surface, and the railing along its sides and back will present more as a fence than as a typical deck railing.
10. The Historic Landmarks Commission reviewed the application and recommended the use of natural materials for the deck railings, such as wood, iron, or forged metal.
11. The board's opinion is that from its location at the rear of the property aluminum balustrades framed by wood posts and rails will be indistinguishable from other types of metal when viewed at such distance from the public right of way.

12. Following the terrain, the northwest corner of the deck will be located six inches from the adjacent property line, and the remainder of the deck will angle away from the adjacent property.
13. The adjacent property owner on the affected side is the Corporation of Harpers Ferry, representatives of which expressed no opposition to this proposed variance.
14. The proposed deck will increase public safety for this outdoor commercial space and decrease erosion of the steep hillside by preventing people from using it as a shortcut to the ravine and hiking trail below.

WHEREAS, the Board has made the following conclusions of law:

THAT the applicant has presented testimony that the proposed freestanding, surface-level deck is a significant safety feature enhancing the use of the commercial property while being minimally visible from the public right of way. The Board agreed with this interpretation and has determined that:

1. The approval of the Variance will not adversely affect the public health, safety or welfare, or the rights of the abutting property owners or residents;
2. The request for the Variance arises from special conditions or attributes which pertain to the property and were not created by the person requesting the Variance;
3. The granting of the Variance will encourage the rehabilitation of this historic property and eliminate an unnecessary hardship and permit a reasonable Use of the land; and
4. The approval of the Variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

NOW, THEREFORE, BE IT RESOLVED that the subject applications for variance are APPROVED.

This approval shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This decision is unique to the subject property and is not to be construed as a precedent for other contributing structures in the historic district.

Bart Wheatly seconded the motion, which carried by a vote of 3-0.

A Copy Teste:

Ed Wheeless, Chair
Board of Zoning Appeals

Date

DRAFT