CITY OF CHARLES TOWN
BOARD OF ZONING APPEALS
AGENDA • MARCH 17, 2026

BZA Meeting **COUNCIL CHAMBERS** **7:00 PM**
101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. DETERMINATION OF QUORUM

3. APPROVAL OF MINUTES

3.1 : DRAFT November 18, 2025 minutes
2025_November_18_DRAFT_BZA_minutes.docx

3.2 : DRAFT January 21 2026 minutes
2026_January_21_DRAFT_BZA_minutes.pdf

4. APPROVAL OF FINDINGS OF FACTS AND CONCLUSIONS OF LAW

4.1 : Findings of Fact: BA2025-04 - 644 S. Samuel St. - Variance
BA 2025-04.pdf

5. PUBLIC HEARINGS

6. CONTINUED CASES

7. OTHER BUSINESS

8. ADJOURNMENT

9. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:

https://www.charlestownwv.us/government/agendas_minutes.php

Board of Zoning Appeals
101 East Washington Street
Charles Town, WV 25414

Meeting: 03/17/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

DRAFT November 18, 2025 minutes

ATTACHMENTS:

- 2025_November_18_DRAFT_BZA_minutes.docx

CITY OF CHARLES TOWN

BOARD OF ZONING APPEALS

MINUTES • November 18, 2025

BZA Meeting **COUNCIL CHAMBERS** **7:00 PM**

101 East Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

Present: Locke Wysong, Chair – Attended Virtually
Christopher Cox
Anita Finkelstein – Attended Virtually

Staff: James Newman, Zoning Administrator

2. DETERMINATION OF QUORUM

3. APPROVAL OF MINUTES

3.1: Minutes – August 19, 2025

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Finkelstein, Wysong

4. APPROVAL OF FINDINGS OF FACTS AND CONCLUSTIONS OF LAW

4.1: BA2025-03 – 1 Onyx Lane - Variance

Motion to approve the findings of facts and conclusions of law:

RESULT:	**Approved**
MOVER:	Finkelstein
SECONDER:	Cox
AYES:	Cox, Finkelstein, Wysong

5. PUBLIC HEARINGS

None.

6. CONTINUED CASES

None.

DRAFT

7. OTHER BUSINESS

2026 Calendar

Motion to approve the calendar as presented:

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Finkelstein, Wysong

Chair Wysong stated there will not be a meeting in December.

8. ADJOURNMENT

Adjournment at 7:03 pm

RESULT:	**Approved**
MOVER:	Finkelstein
SECONDER:	Cox
AYES:	Cox, Finkelstein, Wysong

DRAFT

Board of Zoning Appeals
101 East Washington Street
Charles Town, WV 25414

Meeting: 03/17/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

DRAFT January 21 2026 minutes

ATTACHMENTS:

- 2026_January_21_DRAFT_BZA_minutes.pdf

CITY OF CHARLES TOWN

BOARD OF ZONING APPEALS

MINUTES • January 21, 2026

BZA Meeting **COUNCIL CHAMBERS** **7:00 PM**

101 East Washington Street, Charles Town, WV 25414

1. **CALL TO ORDER**

Present: Jim Thomas, Acting Chair
Christopher Cox
Anita Finkelstein

Locke Wysong - Absent

Staff: James Newman, Zoning Administrator
Stephanie Grove, City Attorney

2. **DETERMINATION OF QUORUM**

3. **APPROVAL OF MINUTES**

3.1: Minutes – November 18th, 2025

RESULT:	**Tabled**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Finkelstein, Thomas

4. **APPROVAL OF FINDINGS OF FACTS AND CONCLUSTIONS OF LAW**
None.

5. **PUBLIC HEARINGS**
5.1: BA2025-04 – 644 S Samuel St – Variance Request

Staff presentation.

Seth Rivard, representative applicant Mark Roper, was present and spoke regarding the request for variance. He explained how the structure's layout and the need for the proposed work. He explained how the proposed addition will create functional space.

DRAFT

Mr. Thomas asked staff to confirm notices were sent. Staff confirmed all notices had been sent. Mr. Thomas further stated that one of the neighbors received the notice in the name of her late husband who passed away in August. Staff explained that the information is obtained through the assessor's office and is only updated about twice a year. Mr. Thomas then stated that he wanted to advise that he followed through with asking the neighbors about the request and neither one he spoke with had an issue with the variance.

Mark Roper, applicant, then stated he purchased the house with plans to remodel and improve the home.

Motion to enter deliberation at 7:20pm

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Finkelstein, Thomas

Motion to approve the variance request as presented for the rear yard setback with the stipulation that the addition be built as provided in the diagrams and images presented to the Board:

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Finkelstein, Thomas

6. CONTINUED CASES

None.

7. OTHER BUSINESS

7.1: Election of Officer – Board Chair

Motion to nominate Locke Wysong as the chair:

RESULT:	**Approved**
MOVER:	Thomas
SECONDER:	Cox
AYES:	Cox, Finkelstein, Thomas

Motion to nominate Jim Thomas as Co-Chair:

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Finkelstein, Thomas

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8. ADJOURNMENT

Adjournment at 7:33 pm

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finklestein
AYES:	Cox, Finkelstein, Thomas

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Board of Zoning Appeals
101 East Washington Street
Charles Town, WV 25414

Meeting: 03/17/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Findings of Fact: BA2025-04 - 644 S. Samuel St. - Variance

ATTACHMENTS:

- BA 2025-04.pdf

BEFORE THE BOARD OF ZONING APPEALS
OF THE CITY OF CHARLES TOWN, WEST VIRGINIA

In re: Docket No. BA 2025-04 – Application for Variance by Mark and Arthena Roper

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

This matter came before the Board of Zoning Appeals at a special meeting held on the 21st day of January 2026, for public hearing upon the application for a Variance filed by Mark and Arthena Roper (the "Applicants"), who also own the property. Board members present were Vice Chairman, James Thomas, Jr., Christopher Cox, and Anita Finkelstein, being a quorum. Also present were the City's Zoning/Subdivision Administrator, James Newman, and the City Attorney, Stephanie Grove.

From a review of the record and confirmation by staff upon request, the Board found that proper notice was given of this hearing by publication and posting of the subject real property in accord with the Charles Town Zoning Ordinance.

The Applicants came before the Board requesting a Variance pursuant to **Sections 1321.11 (E) and 1322.11 OT-R of the Zoning Ordinance** with respect to the minimum rear yard setback of twenty (20) feet specified in **Section 1322.11, Old Town Residential (OT-R) District**, and **Table 1322.11, OT-R District Bulk and Area Regulations, of the City of Charles Town Zoning Ordinance**. The subject real property consists of a single family structure and is located in the Charles Town Corporation District on Tax Map 6, Parcel 46.

The Board first heard the presentation of the City's Zoning/Subdivision Administrator, James Newman, who reviewed the contents of the written report of the City's staff, a copy of which is contained in the Agenda Packet for the meeting and made part of the record in this

matter, and explained the basis of staff's determination that the Variance sought by the Applicant satisfies the requirements of Section 1322.11(E)(3) of the Zoning Ordinance. Mr. Newman noted that the Applicant requested a reduction of seven (7) feet from the rear yard setback requirements in order to construct an attached garage on the already approved rear addition. Mr. Newman also noted that if the garage were detached from the primary structure, it could be placed as close as five (5) feet from the rear property line. Finally, Mr. Newman also reviewed the purposes of the Old Town Residential District, noting that the purpose of the district is to recognize existing, older residential neighborhoods characterized by smaller lots and setbacks. Staff recommended approval of the requested variance.

The Board had no questions for Mr. Newman.

The Property Owner's representative, Seth Rivard, was next sworn in and testified. He provided an overview of the project indicating that the Applicants wished to construct an attached garage, highlighting the structure's layout and the need for the proposed work. Mr. Rivard focused on the historic nature of the structure, which was originally constructed without indoor plumbing and consisted of multiple additions throughout time. He indicated that the proposed addition would create a more functional space conducive to modern living. The addition would include a first floor bedroom as well as a full and half bathroom and kitchen. Finally, Mr. Rivard noted that the orientation of the structure on the lot created a hardship that prevented maximizing the entire lot without a reduction of the setback.

The Applicant was sworn and testified that he and his wife purchased the home with the intent of remodeling and improving it.

No members of the public or aggrieved parties submitted comment to staff or appeared to make public comment.

Upon completion of the taking of testimony and argument, the Board closed the public

hearing and adjourned into executive session for deliberation.

After completing its deliberation and returning to open session, the Board questioned whether the Applicants were seeking a seven (7) or (8) foot reduction of the setback. Mr. Newman indicated that he used the thirteen feet setback because that was what presented in the construction drawings, but the Applicants requested a setback of twelve (12) feet to allow for any error during construction. After receiving this clarification from Staff, the Board, by motion duly made by Board member Cox and seconded by Board member Finkelstein, determined by a vote of three (3) in favor and zero (0) opposed, that, in accordance with Section 1321.11(E)(3) of the Zoning Ordinance, for the reasons set forth below, the requested Variance of the rear yard setback from twenty (20) feet to either twelve (12) or thirteen (13) feet should be granted with the condition that the addition and garage be built as provided in the diagrams and images presented to the Board by the Applicants both in the application and at the public hearing.

FINDINGS OF FACT

The Board hereby finds as follows:

1. The Variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents. The setback reduction will allow the property to be used for a purpose in conformity with the surrounding neighborhood and will not adversely affect the surrounding properties.

2. The Variance arises from special conditions or attributes which pertain to the subject real property and which were not created by the Applicant. The variance request materializes from the layout of the existing historic home which was built prior to the prevalence of modern amenities like indoor plumbing. Although a detached garage would be permitted to be much closer to the rear property line, the addition and attached garage will allow for a more

functional use of the space.

3. The Variance will eliminate an unnecessary hardship and permit a reasonable use of the land. The Applicants could build a detached garage located only five feet from the rear property line. However, an attached garage provides for better quality in regard to separation of the surrounding structures to allow better flow of light and air as well as adequate access. The Applicant is requesting the minimum setback needed to construct the garage as designed.

4. The Variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done. The OT-R district is designed to protect the character of older existing residential neighborhoods that already contain smaller lots and smaller setbacks. An attached garage will allow for a better design that maintains the character of the OT-R district while allowing a reasonable use of the land.

5. The written report of Staff methodically details precise reasons why the Variance should be granted in accord with the requirements of 1321.11(E)(3) of the Zoning Ordinance, which written report has been carefully reviewed and considered by the Board, and the Board hereby adopts such reasons in their entirety and incorporates the same herein.

CONCLUSIONS OF LAW

Based upon the foregoing findings and for the reasons stated herein and based upon staff's recommendations, testimony presented, information contained in the Agenda Packet, and the discussion on the record, the Board, by a vote of three (3) in favor and zero (0) opposed, determines that Applicant's requested Variance satisfies the requirements of Section 1321.11(E)(3) of the Zoning Ordinance and should be granted. The Board hereby certifies that

the Variance granted is the minimum variance that will make possible the reasonable use of the subject real property.

WHEREFORE, the Board hereby GRANTS the requested Variance to allow for a reduction of the rear yard setback requirements from 20 feet to either twelve (12) or thirteen (13) feet, conditioned upon the addition and garage being constructed in conformance with the materials the Applicants presented to the Board in both its application and the public hearing,

This Decision is entered as of the date set forth below. Any person adversely affected by this Order may appeal same by Petition to the Circuit Court of Jefferson County within thirty (30) days of receipt hereof.

Entered

Jim Thomas, Vice Chairman[1]

[1] In reviewing an application, the Board considers as true and accurate the representations of factual circumstances contained in the application and supporting documentation (the "Application Packet"). No action or decision of the Board shall be deemed its verification of any such representation or its approval of any conditions that actually exist but are not accurately represented in the Application Packet.

Except as expressly provided otherwise herein, the Board's actions and decision are (i) premised and conditioned upon the truth and accuracy of the representations contained in the Application Packet and (ii) strictly limited to the uses, structures, and undertakings proposed for the subject real property in the Application Packet.

The Applicant/Owner is responsible for ascertaining all relevant facts prior to undertaking activities upon the subject real property. In the event of uncertainty, the Applicant/Owner is advised to obtain an accurate survey of the subject real property, seek legal advice, or take other action, as appropriate, to resolve the uncertainty before undertaking activities upon the subject real property. Failure to do so is at the risk of the Applicant/Owner.