CITY OF CHARLES TOWN
BOARD OF ZONING APPEALS
AGENDA • JUNE 16, 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.pdf

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

5.1 : **BA2026-01** - *Donald Pine* - Wall Street Lots - Variance Request
1. Staff Report.pdf
2. Application.pdf
3. Sketch.pdf
4. Design.pdf

5.2 : **BA2026-02** - *Shari Lanham* - Federal Way - Variance Request
1. Staff Report.pdf
2. Application.pdf
3. Survey.pdf
4. Support Docs.pdf

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: 06/16/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

DRAFT November 18, 2025 minutes

ATTACHMENTS:

- 2025_November_18_DRAFT_BZA_minutes.pdf

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: 06/16/26
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

DRAFT

8. ADJOURNMENT

Adjournment at 7:33 pm

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

DRAFT

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

Meeting: 06/16/26
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.

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

Meeting: 06/16/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

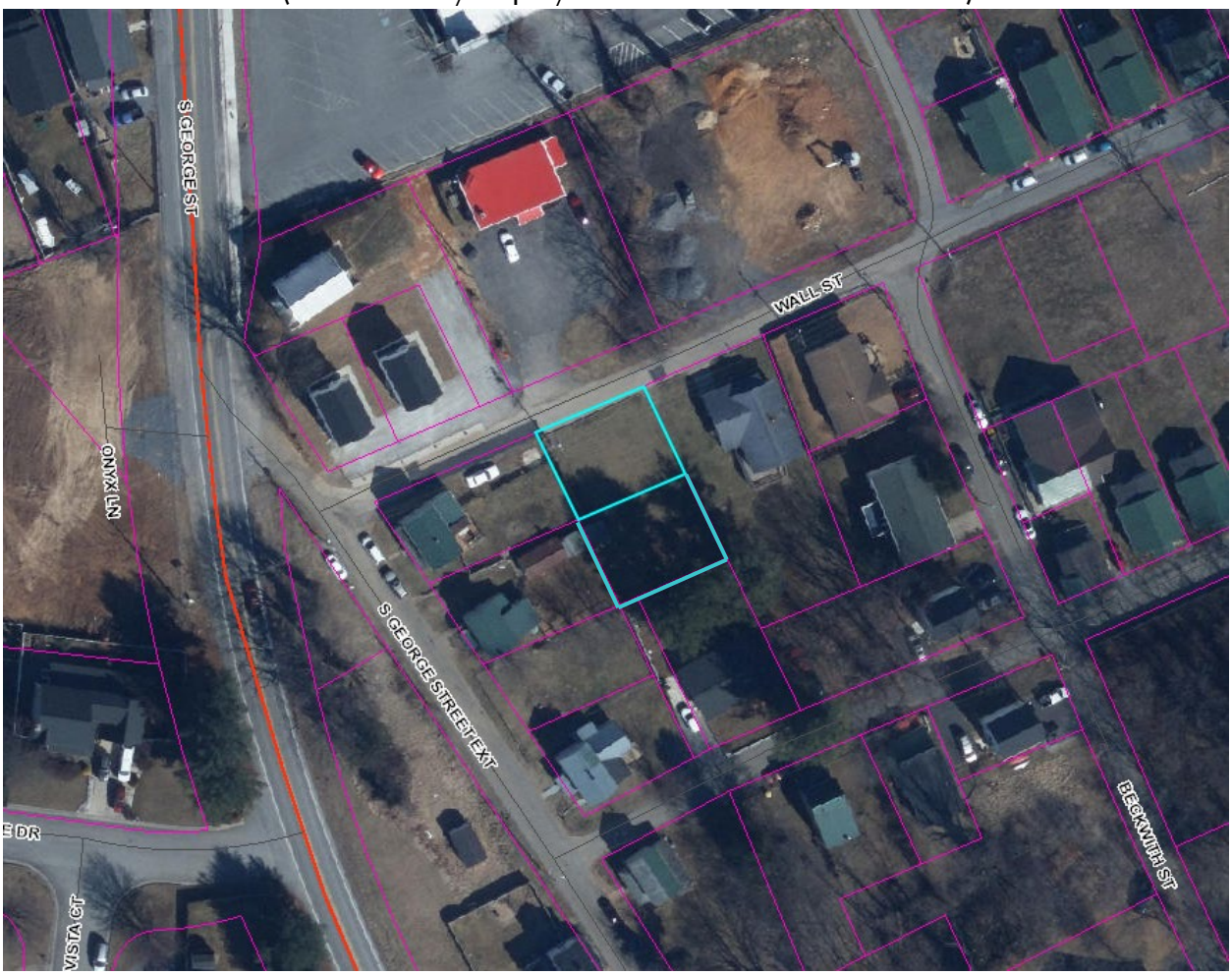
BA2026-01 - *Donald Pine* - Wall Street Lots - Variance Request

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Sketch.pdf
- 4. Design.pdf

Variance Request
BA2026-01

Date: For the June 16, 2026 Board of Zoning Appeals meeting
Applicant: Donald Pine
Property Owner: Pine Properties LLC
Report by: James Newman, City Planner, Zoning/Subdivision Administrator
Location: Wall Street (Tax District 3/Map 6/ Parcels 18.0001 and 19.0001)



OVERVIEW

The applicant is requesting a variance from side yard setbacks.

ZONING

This property is zoned Old Town Residential. Adjacent properties are a mixture of Old Town Residential and Old Town Mixed-Use Commercial. The map on page 4 of this report illustrates the zoning districts of the surrounding properties.

OLD TOWN RESIDENTIAL ZONING DISTRICT

The Zoning Ordinance describes the Old Town Residential (OT-R) District as:

Purpose. The purpose of the OT-R District is to **recognize existing and older residential neighborhoods** within the City of Charles Town that are characterized as having **smaller Lots, smaller Setbacks,** traditional grid Street pattern and access by Street or alley. These provisions for the OT-R District are designed to **protect the character** of these residential neighborhoods while **permitting their maintenance and improvement.** These standards also seek to encourage **sensitively designed infill** in keeping with the existing character of the OT-R District.

To maintain the scale and design of Buildings currently existing in OT- R District, it is important the **scale and design** of **surrounding Buildings** be **taken into consideration when proposing** additions and **new Buildings**. The OT-R District also promotes interaction among activities located within the entire Old Town District area, which includes both the OT-R and Old Town Mixed Use Commercial District.

The purpose of such interaction is to further enhance business vitality, reduce vehicular traffic, increase access to and the use of transit services, provide employment opportunities for residents close to home, ensure the compatibility among and between residential and downtown Commercial Uses, and ensure the appearance and effects of Buildings and Uses are harmonious with the character of the area in which they are located by:

1. Preserving and restoring the overall character of the Zoning District;

2. Promoting a balance of land Uses;

3. Promoting the opportunity for people to work, interact, shop, dine, and utilize business and public services in the vicinity of their residences;

4. Promoting a positive pedestrian environment in the Zoning District;

5. Facilitating integrated physical design;

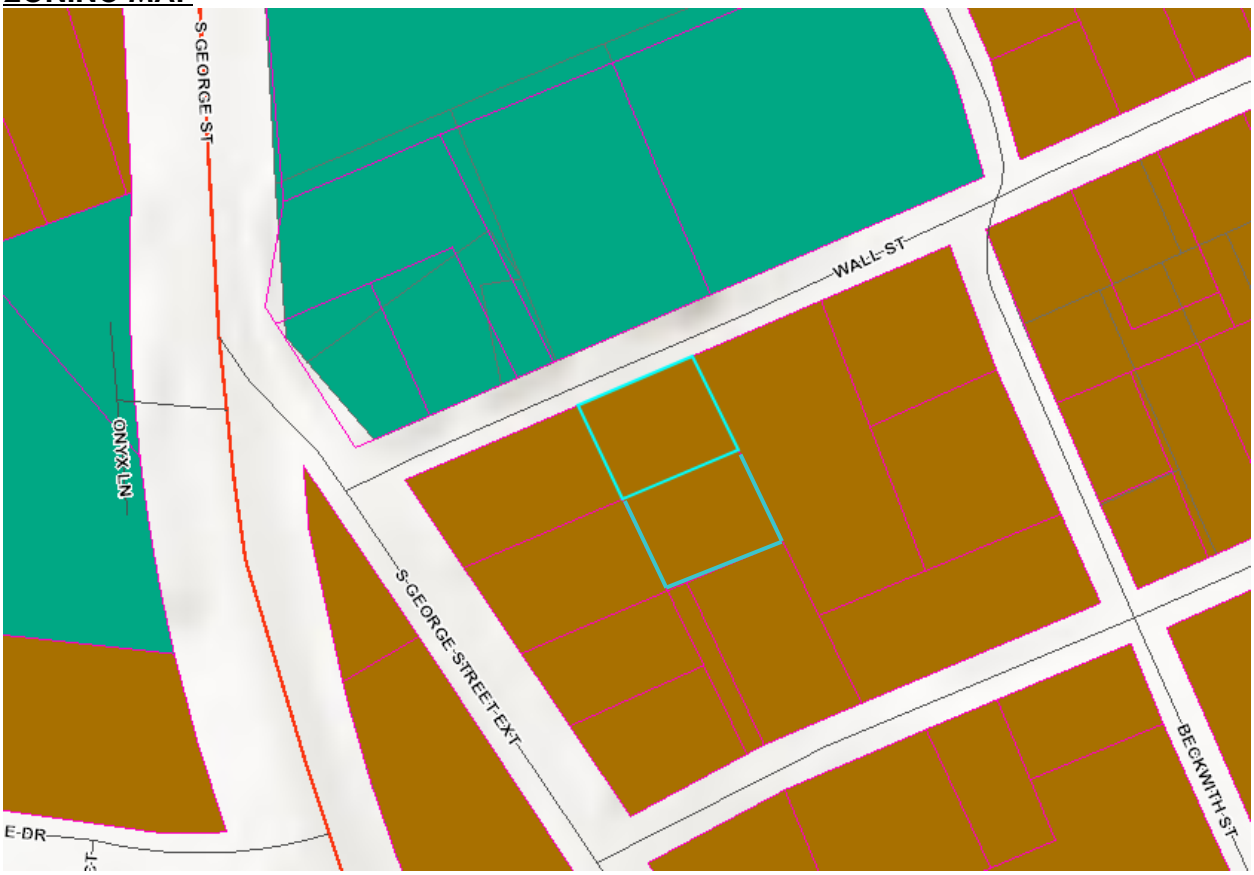
6. Promoting a high level of design quality; and

7. Facilitating development proposals responsive to current and future market conditions

Table 1322.11, OT-R District Bulk and Area Regulations

Maximum Density	
Minimum Lot Size	
Existing Lot of Record	No Minimum Lot Size
For Newly Created Lots the Following Standards Shall Apply:	
Single-Family Detached Dwelling	10,000 square feet
Duplex Dwelling	6,000 square feet
Multi-Family Dwelling	20,000 square feet
Townhouse Dwelling	2,000 square feet
Group Home	10,000 square feet
All Other	20,000 square feet
Minimum Lot Width	
Existing Lot of Record	No Minimum Lot Width[3]
Single-Family Detached Dwelling	70 feet
Two-Family Dwelling	80 feet
Duplex Dwelling	40 feet
Multi-Family Dwelling	100 feet
Townhouse Dwelling	18 feet
Group Home	70 feet
All Other	100 feet
Minimum Front Yard Setback	20 feet or Front Setbacks shall vary no more than 10% from the average Setbacks of the three Adjacent Properties to each side.[5]
Minimum Side Yard Setback	10 feet[1]
Minimum Rear Yard Setback	20 feet
Maximum Lot Coverage	70 percent
Minimum Building Height	Minimum = 24 feet or 1.5 stories
Maximum Building Height	35 feet (55 feet for Multi-Family)[2]
Maximum Stories	3 stories (4 stories for Multi-Family)

ZONING MAP

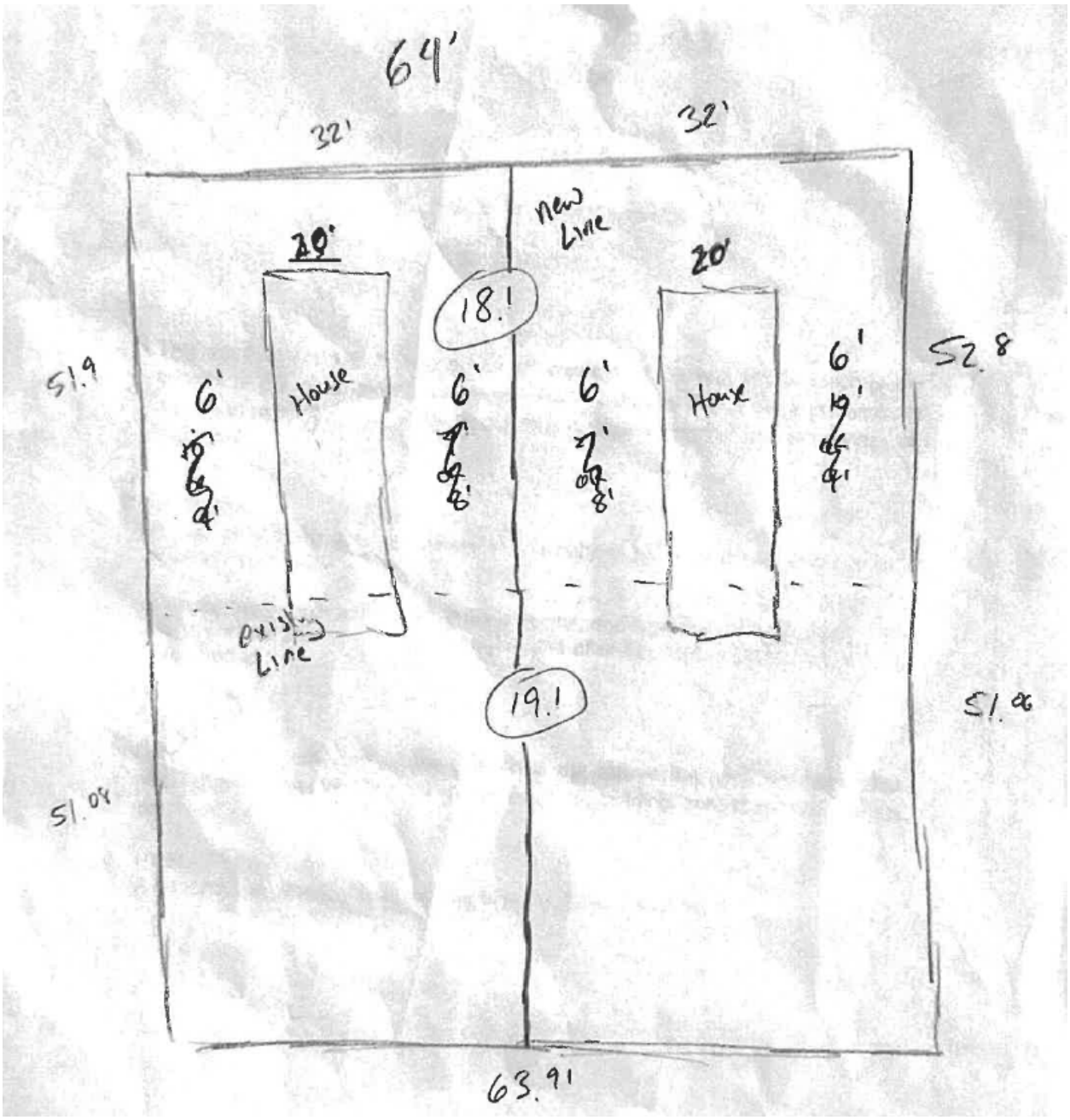


Key:
Brown – Old Town Residential
Green – Old Town Mixed Use Commercial

ISSUE
Applicant has two lots, one of which (parcel 19) is landlocked with no road frontage. Applicant proposes to reconfigure the lots so that both of them become rectangular shaped with road frontage; the lots would become skinny but deep. This change in lot configuration does not require a variance as both lots are existing and thus do not have a minimum lot width or lot size.

With 32 feet of road frontage for each lot, and with side yard setbacks of 10 feet, there is only 12 ft of width for a building. Applicant is requesting a variance to reduce the side yard setbacks from 10 ft. to 6 ft., granting 20 ft. of building width.

PROPOSED SETBACKS



VARIANCES

A variance is a relaxation of the terms of the Zoning Ordinance where the Board of Zoning Appeals makes the findings specified in Zoning Ordinance Section 1321.11; a deviation from the minimum standards of the Zoning Ordinance and shall not involve permitting land Uses that are otherwise prohibited in the Zoning District nor shall it involve changing the Zoning District classification of a parcel of land. W.Va. Code Chapter 8A-7-11.

REVIEW CRITERIA

In order to issue a Variance, the Board must make the following written findings regarding the following:

A. *Will not adversely affect the public health, safety or welfare, or the rights of Adjacent Property Owners or residents;*

The reduction of the rear setback from 10 ft. to 6 ft. will not adversely affect the public health, safety or welfare, or the rights of Adjacent Property Owners or residents.

B. *Arises from special conditions or attributes which pertain to the property for which a Variance is sought and which were not created by the Person seeking the Variance;*

Parcel 18 is the front parcel which faces onto Wall St; it could currently be built upon within the required setbacks. Parcel 19 is landlocked however, and would require an access easement across lot 18 or some other adjacent lot in order to allow for development.

Rather than impose an easement on one property, the applicant seeks to shift the shape of the lots so that they both have road frontage, without the need for an easement. This landlocked feature is a special condition/ attribute that makes the variance a reasonable request.

C. *Would eliminate an Unnecessary Hardship and permit a reasonable Use of the land;*

As stated above, the landlocked nature of lot 19 is an unreasonable hardship that prevents development of the parcel without imposing an access easement.

D. *Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.*

The intent of this district is to allow for sensitively designed infill that takes into consideration the surrounding buildings. The variance will allow for a reduced side yard setback of 6 ft.

CONCLUSION

The applicant is seeking the following variance:

	Required	**Proposed**	**Variance**
Minimum Side Yard Setback	10 ft.	6 ft.	4 ft.

RECOMMENDATION - **Approval**

BZA Variance No. _____

Board of Zoning Appeals

Application for a Variance

FEE: $410

1. SIGNATURES
   This application must be signed by **all owners** of the real estate which is the subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

2. MATERIALS
   A plat or building location survey of the subject property drawn to scale (see requirements below on Page 3).

   As applicable, Building Permit, Zoning Permit, and Sign Permit Applications. Site plans (where applicable) may be submitted after the BZA application has been approved at the public hearing.

3. PERMITS
   Approval of a variance by the BZA does not relieve the applicant from other requirements including, but not limited to, signs, building, zoning and use permits or site plans.

4. PUBLIC HEARING
   A variance requires a public hearing to be held before the Board.

BZA Variance No. _____

Definition of a Variance

A relaxation of the terms of the Zoning Ordinance where the Board of Zoning Appeals makes the findings specified in Section 1321.11(E)(3); a deviation from the minimum standards of the Zoning Ordinance and shall not involve permitting land Uses that are otherwise prohibited in the Zoning District nor shall it involve changing the Zoning District classification of a parcel of land. W.Va. Code Chapter 8A-7-11.

Criteria

The Board of Zoning Appeals shall grant a variance to the Zoning Ordinance if it finds that **all** of the following can be met and the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; **and**
4. Will allow the intent of the zoning ordinance to be observed and substantial justice done.

BZA Variance No. _____

Plat Requirements

A plat or building location survey must contain the following information in order for the property to be thoroughly evaluated for conformance with all City Ordinances:

1. Plat must be drawn to scale.
2. Name of Engineer, Surveyor, or Architect who prepared plat.
3. Signature and Seal of Engineer, Surveyor, or Architect.
4. Date of plat and dates of any revisions.
5. Legend/Table on plat listing the following:
   a. Zoning of Subject Parcel
   b. Zoning of Subject Parcel
   c. Tax Map and Parcel Number
   d. Parcel Address
   e. Owner/Applicant's name and address
   f. Scale
6. North Arrow.
7. Parcel boundaries showing bearings and distances.
8. Size of parcel.
9. Location and dimensions of all existing and/or proposed buildings including accessory structures and additions.
10. Height and number of stories for all structures, if applicable.
11. Location of existing and/or proposed easements and well and septic where applicable.
12. Location of Floodplain where applicable.
13. Parking spaces/parking lots with calculations showing what is required and proposed, if applicable.
14. All setbacks in table format and drawn on the plat including what is required versus what is existing/proposed.
15. Landscaping as required in the Zoning Ordinance, if applicable.
16. Names of adjacent streets.
17. Tax Map/Parcel numbers and uses for all adjacent parcels, including those across the street/road.
18. List with any documentation of any previously approved variances, special exceptions, appeals, court decisions, conditions, proffers, or waivers granted for the subject property.
19. Any additional items deemed necessary by the Zoning Administrator.

BZA Variance No. _____

1. DATE 9-24-25

2. APPLICANT'S NAME* Donald Pine DBA Pine Properties LLC

Address: 989 Eagle Mokes Rd. Harpers Ferry WV 25425

Telephone Number (304) 676-8491

Email Address [redacted]

3. PROPERTY OWNER'S NAME Same As Above

Address: _____

Telephone Number (___) _____

Email Address _____

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (List all parcels that apply)

Property Address: _____

Tax Map # and Parcel(s): _____

Property Area in Square Feet or Acres: _____

5. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

Build two single family homes

6. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY: (Include the hours of operation and the activities to be conducted on the site. Be as specific about your proposed use as possible.)

see Above #5

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

BZA Variance No. _____

7. DESCRIPTION OF ANY PROPOSED WORK TO BE DONE TO THE PROPERTY: (i.e. – building additions, ADA compliance, etc.)

   xc #5

8. DESCRIPTION OF THE VARIANCE REQUEST:

   Reduce the side setbacks, Reduce min. lot size and min. lot width

9. LIST THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE FROM WHICH THE VARIANCE IS REQUESTED:

   Table 13 22, 11

10. DECRIBE HOW THE REQUEST IS CONSISTENT WITH THE PURPOSE AND INTENT OF THE CITY OF CHARLES TOWN ZONING ORDINANCE:

    to do small setbacks fits in w/ purpose of the distant

11. WOULD THE VARIANCE ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE, OR THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS?

    no

BZA Variance No. _____

12. EXPLAIN HOW THE VARIANCE REQUEST ARISES FROM SPECIAL CONDITIONS OR ATTRIBUTES WHICH PERTAIN TO THE PROPERTY FOR WHICH A VARIANCE IS SOUGHT AND WHICH WERE NOT CREATED BY THE PERSON SEEKING THE VARIANCE:

Have two irregular shape lots that are difficult to use as they are.

13. HOW WOULD GRANTING THE VARIANCE ELIMINATE AN UNNECESSARY HARDSHIP AND PERMIT A REASONABLE USE OF THE LAND?

to build two sigle family homes

14. HOW WOULD THE VARIANCE ALLOW THE INTENT OF THE ZONING ORDINANCE TO BE OBSERVED AND SUBSTANTIAL JUSTICE DONE?

Variances are in accordance with purpose of district

15. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?

☒ No

☐ Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

BZA Variance No. _____

16. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date
Len Knauer			

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1321 and relevant provisions of the Charles Town Zoning Ordinance outlining the City's Board of Zoning Appeals application and approval procedures.

Signature of Applicant

_____ Date 4-28-26

Signature of Owner(s) (If different than Applicant)

_____ Date _____

Please submit an original completed application to the following:

At City Hall:

Zoning Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

Or

Via Mail:

Zoning Administrator
City of Charles Town
PO BOX 14
Charles Town, WV 25414

BZA Variance No. _____

FOR CITY USE ONLY

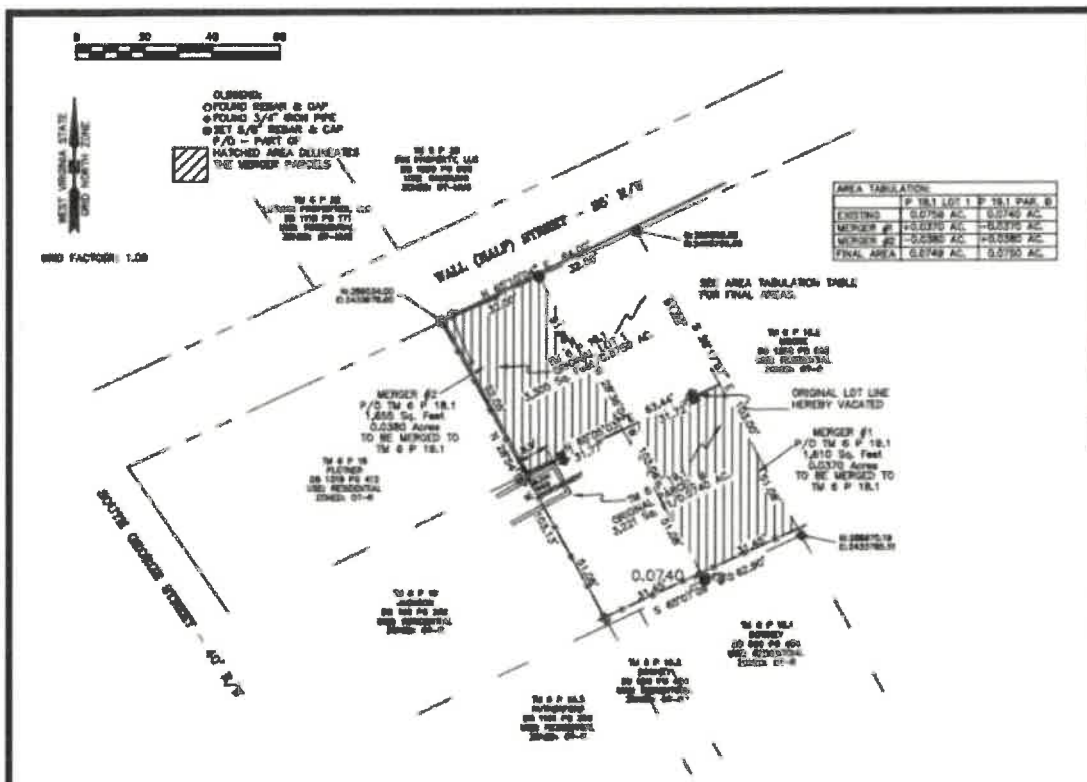
Application Number: _____ Date Application Received: _____

Zoning District: _____

Fee: $_____ Check No. _____ Receipt No. _____

BZA Hearing Date: _____ Decision: _____

Comments: _____



AREA TABULATION:	P 18.1 LOT 1	P 19.1 PAR. B
EXISTING	0.0759 AC.	0.0740 AC.
MERGER #1	+0.0370 AC.	-0.0370 AC.
MERGER #2	-0.0380 AC.	+0.0380 AC.
FINAL AREA	0.0749 AC.	0.0750 AC.



VICINITY MAP
SCALE: 1" = 400'

NOTES:
1. BUILDING SETBACK REQUIREMENTS:
   20' FRONT
   6' SIDES
   20' REAR
2. ZONING: OT-R (OLD TOWN RESIDENTIAL)
3. THIS PROPERTY IS NOT IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON FIRM COMMUNITY MAP/PANEL NUMBER 54039C0441E EFFECTIVE DATE DECEMBER 18, 2008.
4. THIS CHANGE TO THE LOT LINES DOES NOT CREATE A SETBACK VIOLATION OR INCREASE THE NON-CONFORMITY OF ANY EXISTING SETBACK VIOLATION.
5. THERE ARE NO EXISTING OR PROPOSED EASEMENTS ON SITE.

SURVEYOR'S CERTIFICATE:
THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND CONSISTING OF LOT 1 AND PARCEL B, RECORDED IN DEED BOOK 638 PAGE 634 AND DEED BOOK 691 PAGE 63, RESPECTIVELY, IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE CITY OF CHARLES TOWN AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.

EDWARD L. JOHNSON JR.
PROFESSIONAL SURVEYOR #[illegible]

OWNER'S CERTIFICATE:
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

DONALD PINE, FOR PINE PROPERTIES, LLC

THIS PLAT WAS APPROVED FOR RECORDATION BY THE CITY OF CHARLES TOWN, ON THE _____ DAY OF _____ ON 20____ SUBJECT TO ANY CONDITIONS SPECIFIED HEREON.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE CITY.

SECRETARY OF THE PLANNING COMMISSION _____ DATE _____

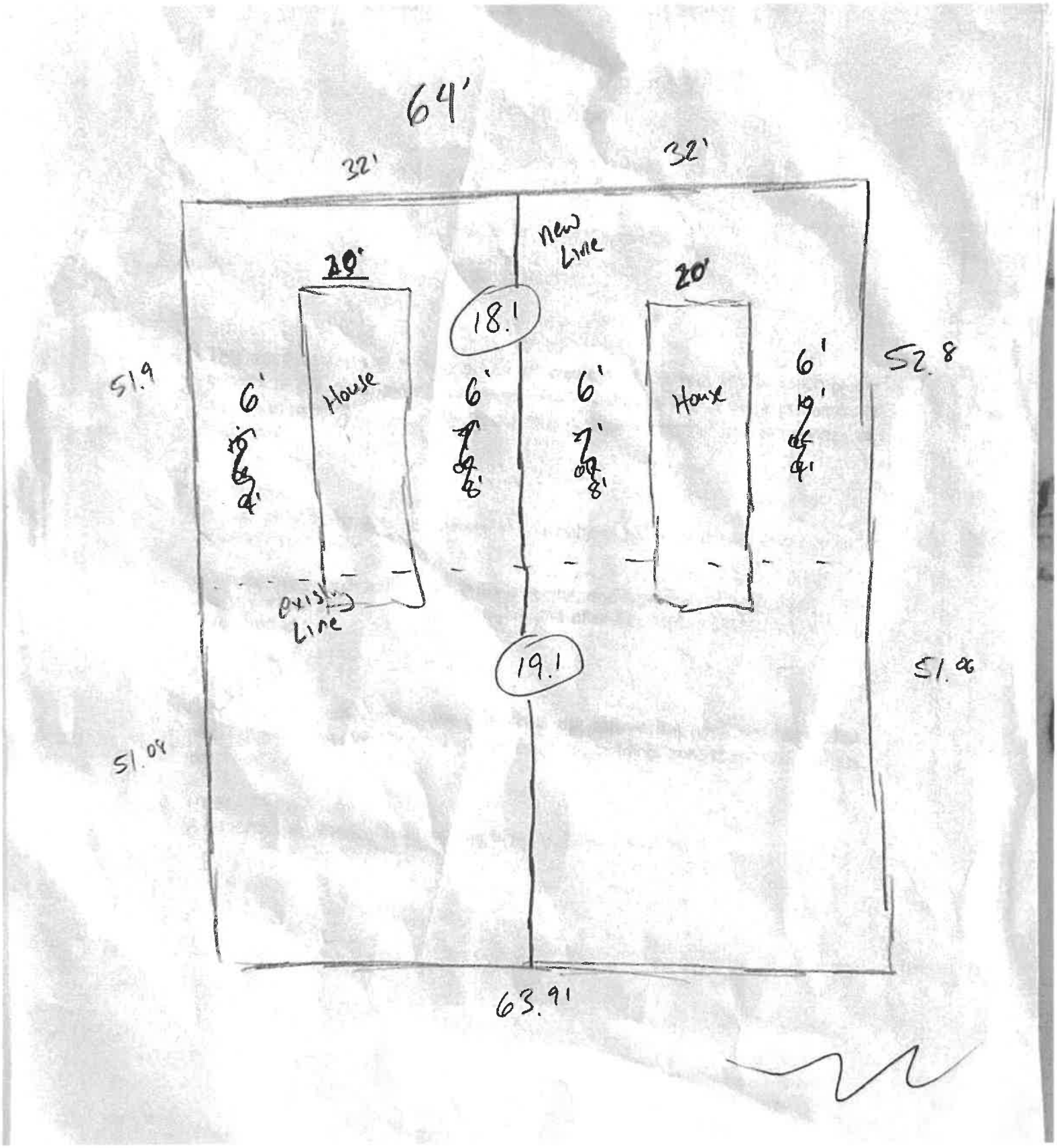
FINAL SUBDIVISION/LAND DEVELOPMENT PLAT SHOWING A BOUNDARY LINE ADJUSTMENT
LOT 1, DIVISION & BOUNDARY SURVEY OF 0.6602 ACRE PARCEL DEED BOOK 638 PAGE 634 AND PARCEL B, PLAT SHOWING DIVISION OF LAND EMILY ROBINSON JACKSON PROPERTY DEED BOOK 691 PAGE 63
THE PROPERTY OF
PINE PROPERTIES, LLC
DEED BOOK 1353 PAGE 207 TAX MAP PARCELS 18.1 AND 19.1
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 20' OCTOBER 27, 2025

OWNERS/DEVELOPERS: PINE PROPERTIES, LLC
[illegible] EAGLE MOLERS ROAD
HARPERS FERRY, WV 25425
(304) 676-[illegible]

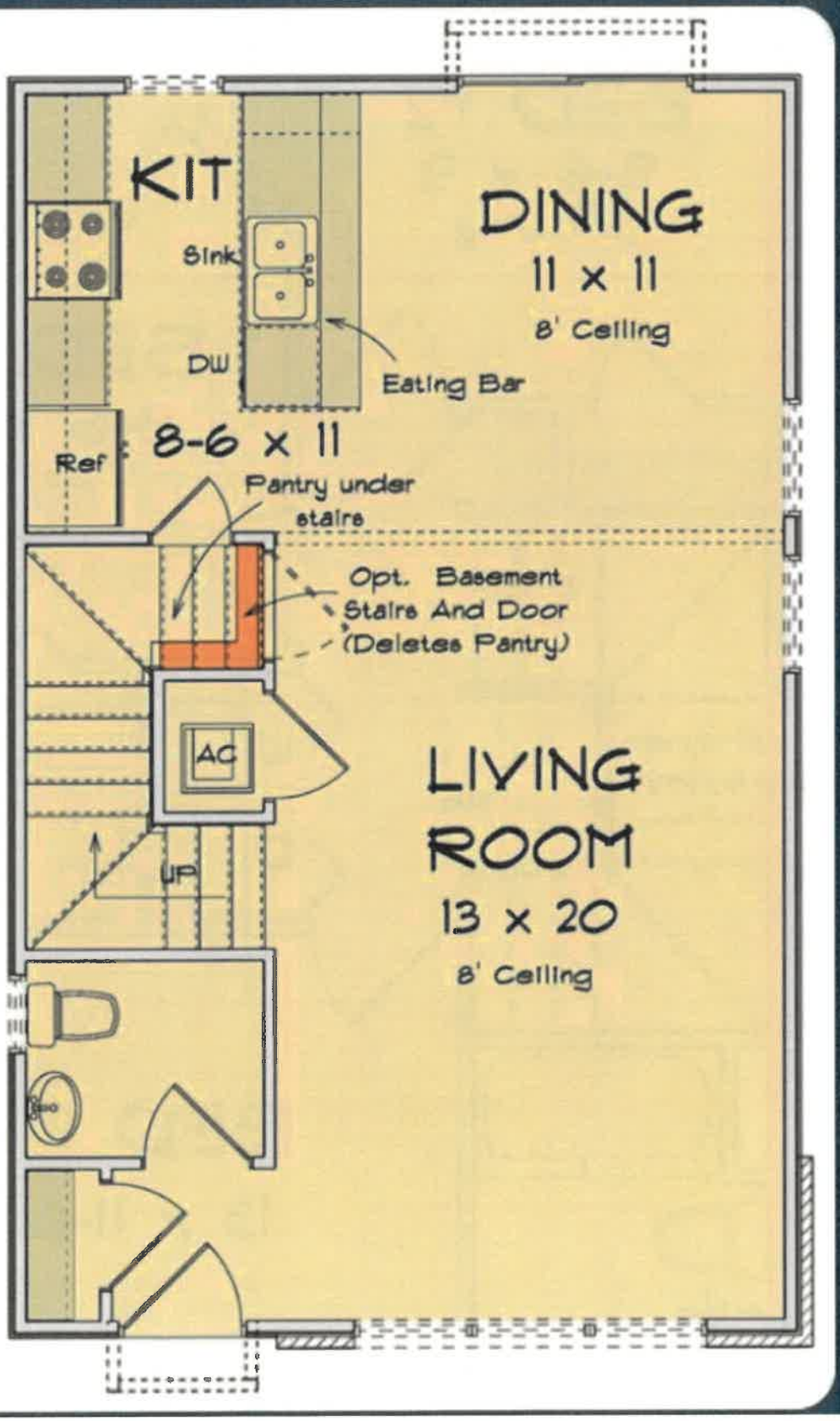
REVISIONS:

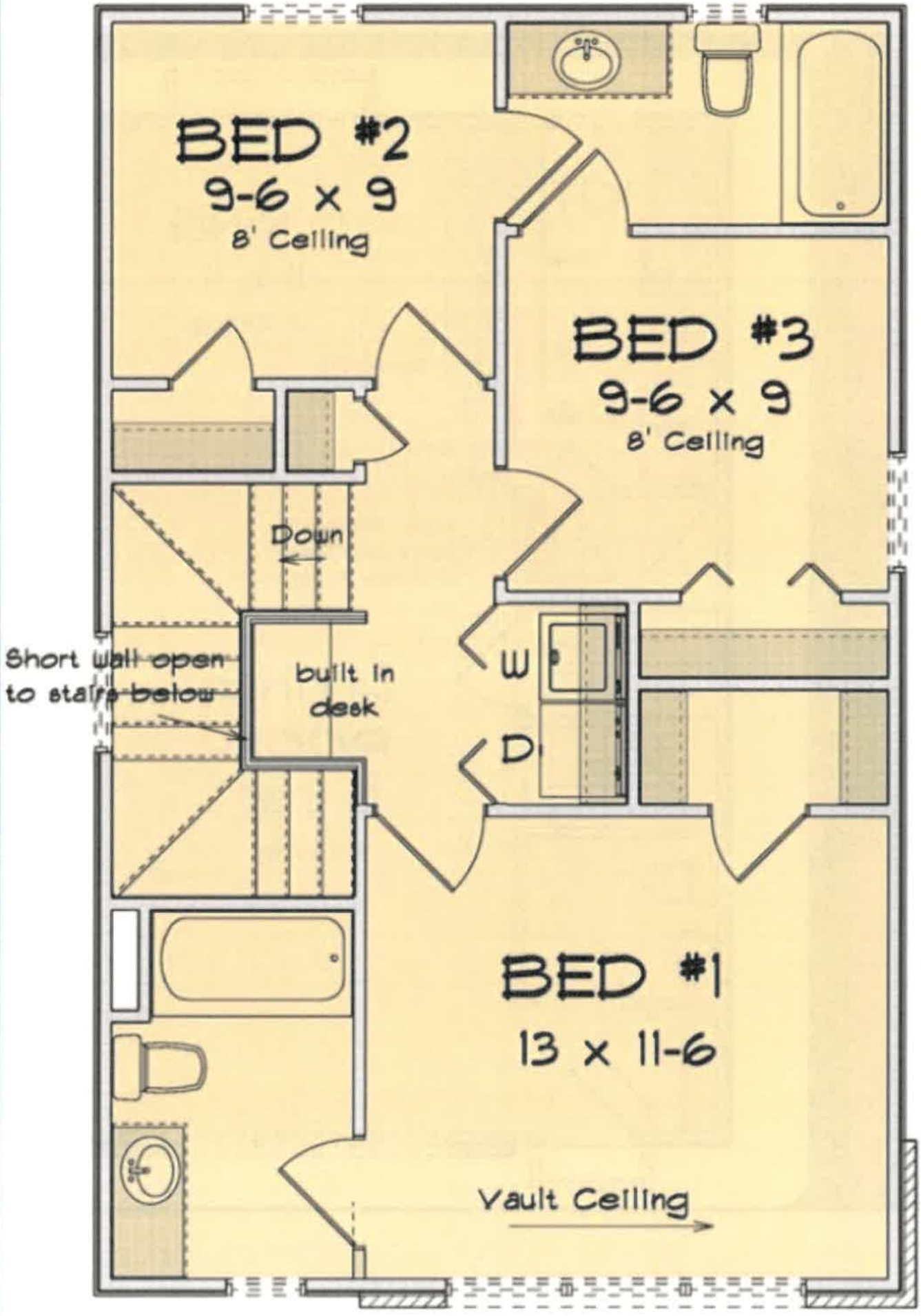
ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
[illegible] ACORN CIRCLE
HARPERS FERRY, WEST VIRGINIA 25414
(304)725-[illegible]

SHEET 1 OF 1


64'
32'
32'
20'
20'
new Line
18.1
19.1
House
House
6'
6'
6'
6'
51.9
52.8
51.08
51.08
existing Line
63.91




KIT
Sink
DW
Ref
8-6 x 11
Pantry under stairs
DINING
11 x 11
8' Ceiling
Eating Bar
Opt. Basement Stairs And Door (Deletes Pantry)
AC
UP
LIVING ROOM
13 x 20
8' Ceiling


BED #2
9-6 x 9
8' Ceiling
BED #3
9-6 x 9
8' Ceiling
Down
Short wall open
to stairs below
built in
desk
W
D
BED #1
13 x 11-6
Vault Ceiling

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

Meeting: 06/16/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

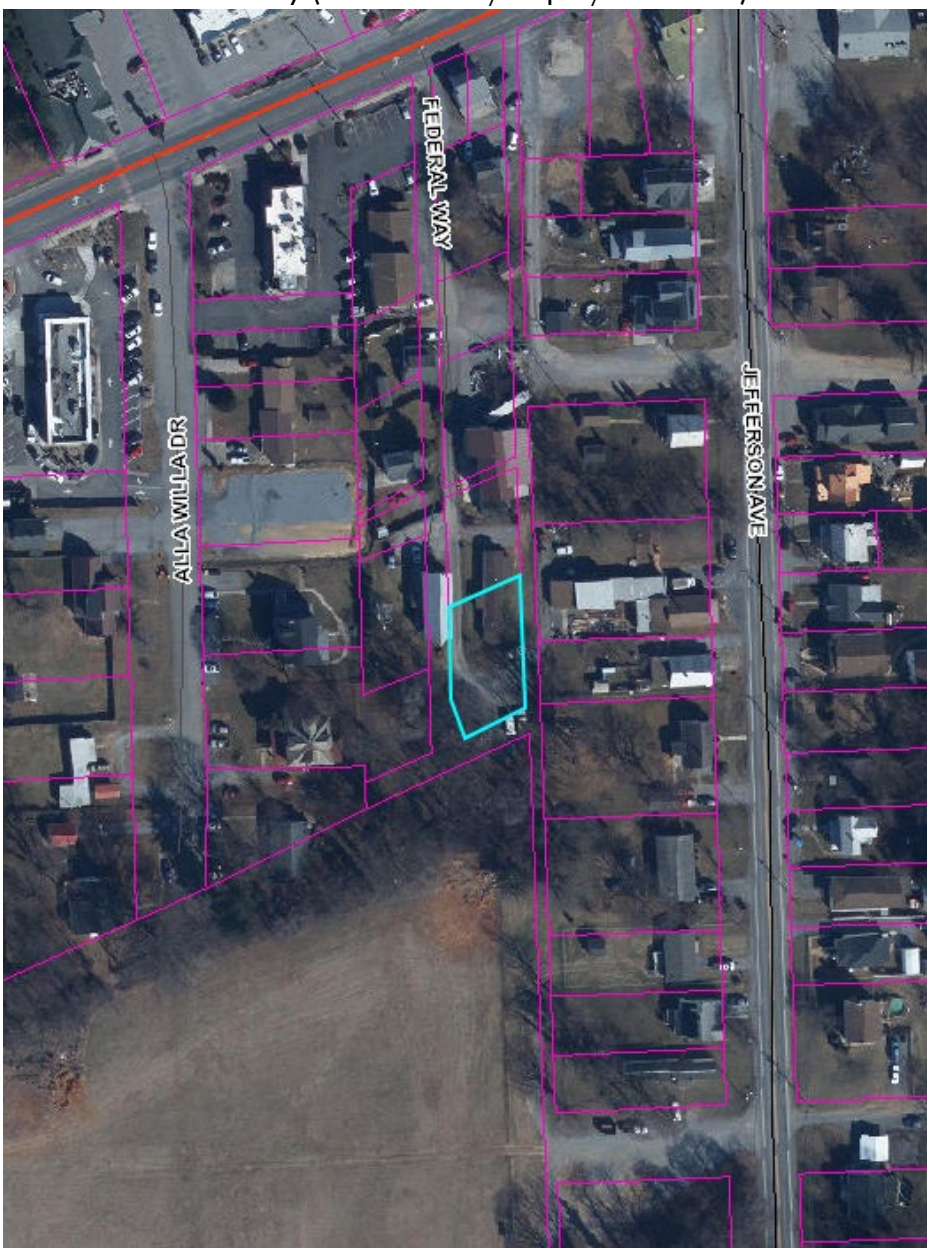
BA2026-02 - *Shari Lanham* - Federal Way - Variance Request

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Survey.pdf
- 4. Support Docs.pdf

Variance Request
BA2026-02

Date: For the June 16, 2026 Board of Zoning Appeals meeting
Applicant: Shari Lanham
Property Owner: Shari Lanham
Report by: James Newman, City Planner, Zoning/Subdivision Administrator
Location: Federal Way (Tax District 3/Map 6/ Parcel 23)



OVERVIEW

The applicant is requesting a variance from front, side, and rear yard setbacks.

ZONING

This property is zoned General Commercial. Adjacent properties are a mixture of General Commercial, Old Town Residential, and County zoned properties. The map on page 3 of this report illustrates the zoning districts of the surrounding properties.

GENERAL COMMERCIAL ZONING DISTRICT

The Zoning Ordinance describes the General Commercial District as:

Purpose: To provide locations for businesses of a more general nature that may not be found in a neighborhood and can be served with adequate water and sewer service. The businesses proposed include retail, wholesale, and some light processing operations.

Table 1322.10, GC District Bulk and Area Regulations

Maximum Density	No Requirement
Minimum Lot Size	No Requirement
Minimum Lot Width	No Requirement
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	10 feet (25 feet where adjoining a residential district)
Minimum Rear Yard Setback	30 feet
Maximum Lot Coverage	90 percent
Minimum Required Open Space	No Requirement
Maximum Building Height	55 feet[1]
Maximum Stories	5 stories[1]

[1] Hotels shall have a maximum height of 78 feet and maximum number of six (6) stories.

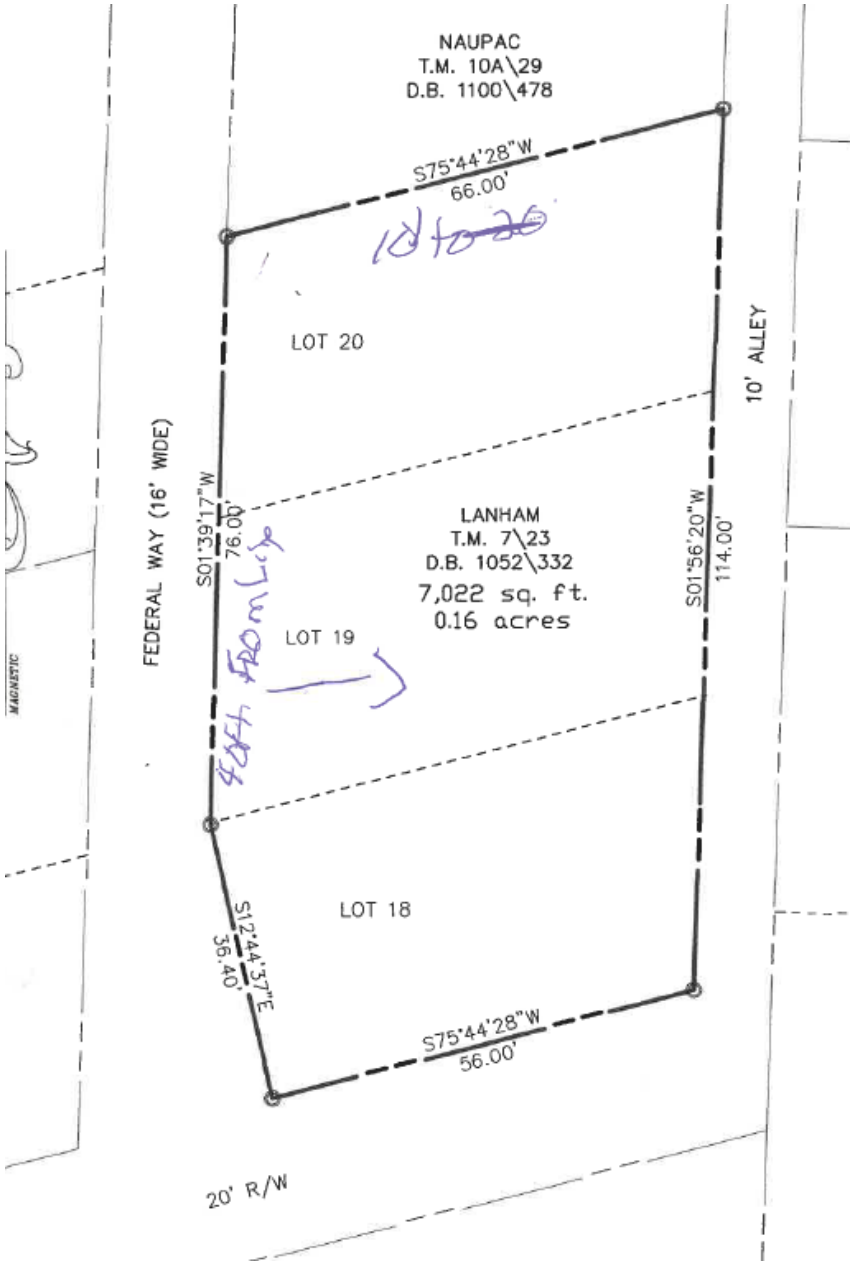
ZONING MAP



Key:
Red – General Commercial
Brown – Old Town Residential
Manilla – Jefferson County Zoning

ISSUE

Applicant desires to sell the property to a business, but the existing setbacks prohibit any development of the parcel. See the survey below:



The front yard is adjacent to Federal Way, which provides double frontages. The setback is 40 ft.

The rear yard is adjacent to the alley. The setback is 30 ft.

The side yard setback is adjacent to the strucutre to the north at 77 Federal Way. The setback is 25 ft, due to the Coutny's 'Residenital Growth' Zoning for that parcel.

For a lot that is only 56 feet wide, the combined front and rear setback come out to 70 feet (40 for the front yard, 30 for the rear), making it impossble to build on the lot.

PROPOSED SETBACKS

Front yard: 25 feet

Side yard: 10 feet

Rear yard: 10 feet

VARIANCES

A variance is a relaxation of the terms of the Zoning Ordinance where the Board of Zoning Appeals makes the findings specified in Zoning Ordinance Section 1321.11; a deviation from the minimum standards of the Zoning Ordinance and shall not involve permitting land Uses that are otherwise prohibited in the Zoning District nor shall it involve changing the Zoning District classification of a parcel of land. W.Va. Code Chapter 8A-7-11.

REVIEW CRITERIA

In order to issue a Variance, the Board must make the following written findings regarding the following:

A. *Will not adversely affect the public health, safety or welfare, or the rights of Adjacent Property Owners or residents;*

The reduction of the various setbacks will not adversely affect the public health, safety or welfare, or the rights of Adjacent Property Owners or residents.

B. *Arises from special conditions or attributes which pertain to the property for which a Variance is sought and which were not created by the Person seeking the Variance;*

The property is unique in that its shape, when combined with the zoning of adjacent properties, makes its development under the existing General Commercial provision impossible.

C. *Would eliminate an Unnecessary Hardship and permit a reasonable Use of the land;*

General Commercial setbacks are not suitable to this property as they prohibit all development. The proposed setbacks would maintain a reasonable distance from adjacent properties and road frontages.

D. *Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.*

The intent of this district is to allow for business development. The property owner has a business interested in purchasing the property for commercial development, but cannot do so without the variance.

CONCLUSION

The applicant is seeking the following variances:

	Required	Proposed	Variance
Minimum Front Yard Setback	40 ft	25 ft	15 ft
Minimum Side Yard Setback	25 ft	10 ft	15 ft
Minimum Rear Yard Setback	30 ft	10 ft	20 ft

RECOMMENDATION

Approval

BZA Variance No. _____

RECEIVED
MAY 20 2026
BY:

Board of Zoning Appeals

Application for a Variance

FEE: $410

1. SIGNATURES
   This application must be signed by **all owners** of the real estate which is the subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

2. MATERIALS
   A plat or building location survey of the subject property drawn to scale (see requirements below on Page 3).

   As applicable, Building Permit, Zoning Permit, and Sign Permit Applications. Site plans (where applicable) may be submitted after the BZA application has been approved at the public hearing.

3. PERMITS
   Approval of a variance by the BZA does not relieve the applicant from other requirements including, but not limited to, signs, building, zoning and use permits or site plans.

4. PUBLIC HEARING
   A variance requires a public hearing to be held before the Board.

BZA Variance No. _____

Definition of a Variance

A relaxation of the terms of the Zoning Ordinance where the Board of Zoning Appeals makes the findings specified in Section 1321.11(E)(3); a deviation from the minimum standards of the Zoning Ordinance and shall not involve permitting land Uses that are otherwise prohibited in the Zoning District nor shall it involve changing the Zoning District classification of a parcel of land. W.Va. Code Chapter 8A-7-11.

Criteria

The Board of Zoning Appeals shall grant a variance to the Zoning Ordinance if it finds that **all** of the following can be met and the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; **and**
4. Will allow the intent of the zoning ordinance to be observed and substantial justice done.

BZA Variance No. _____

Plat Requirements

A plat or building location survey must contain the following information in order for the property to be thoroughly evaluated for conformance with all City Ordinances:

1. Plat must be drawn to scale.
2. Name of Engineer, Surveyor, or Architect who prepared plat.
3. Signature and Seal of Engineer, Surveyor, or Architect.
4. Date of plat and dates of any revisions.
5. Legend/Table on plat listing the following:
   a. Zoning of Subject Parcel
   b. Zoning of Subject Parcel
   c. Tax Map and Parcel Number
   d. Parcel Address
   e. Owner/Applicant's name and address
   f. Scale
6. North Arrow.
7. Parcel boundaries showing bearings and distances.
8. Size of parcel.
9. Location and dimensions of all existing and/or proposed buildings including accessory structures and additions.
10. Height and number of stories for all structures, if applicable.
11. Location of existing and/or proposed easements and well and septic where applicable.
12. Location of Floodplain where applicable.
13. Parking spaces/parking lots with calculations showing what is required and proposed, if applicable.
14. All setbacks in table format and drawn on the plat including what is required versus what is existing/proposed.
15. Landscaping as required in the Zoning Ordinance, if applicable.
16. Names of adjacent streets.
17. Tax Map/Parcel numbers and uses for all adjacent parcels, including those across the street/road.
18. List with any documentation of any previously approved variances, special exceptions, appeals, court decisions, conditions, proffers, or waivers granted for the subject property.
19. Any additional items deemed necessary by the Zoning Administrator.

BZA Variance No. _____

1. DATE 5/20/2026

2. APPLICANT'S NAME* Shari W. Lanham

   Address: 989 Jefferson Avenue, Charles Town, WV 25414

   Telephone Number (304) 279-4780

   Email Address [redacted]

3. PROPERTY OWNER'S NAME Shari W. Lanham

   Address: 989 Jefferson Avenue, Charles Town, WV 25414

   Telephone Number (304) 279-4780

   Email Address [redacted]

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (List all parcels that apply)

   Property Address: Lots #18, #19, #20 Rockwell

   Tax Map # and Parcel(s): 2023 – Parcel # 19-03-0007-0023-0000

   Property Area in Square Feet or Acres: 0.16 acres

5. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

   Vacant - Zoned Residential

6. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY: (Include the hours of operation and the activities to be conducted on the site. Be as specific about your proposed use as possible.)

   To be determined - See sketch proposed

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

BZA Variance No. _____

7. DESCRIPTION OF ANY PROPOSED WORK TO BE DONE TO THE PROPERTY: (i.e. – building additions, ADA compliance, etc.)

To be determined

8. DESCRIPTION OF THE VARIANCE REQUEST:

Requesting variances concerning front, rear, + side setbacks.

9. LIST THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE FROM WHICH THE VARIANCE IS REQUESTED:

1322.07 B 1, 3, & 4 Residential

10. DECRIBE HOW THE REQUEST IS CONSISTENT WITH THE PURPOSE AND INTENT OF THE CITY OF CHARLES TOWN ZONING ORDINANCE:

Request is in line with ordinances that allow variances if neighboring properties have clearly prevailing setbacks that are not in compliance.

11. WOULD THE VARIANCE ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE, OR THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS?

Absolutely not.

BZA Variance No. _____

12. EXPLAIN HOW THE VARIANCE REQUEST ARISES FROM SPECIAL CONDITIONS OR ATTRIBUTES WHICH PERTAIN TO THE PROPERTY FOR WHICH A VARIANCE IS SOUGHT AND WHICH WERE NOT CREATED BY THE PERSON SEEKING THE VARIANCE:

The person seeking the variance is in no way responsible for her neighbors who have not followed the city's setback requirements.

13. HOW WOULD GRANTING THE VARIANCE ELIMINATE AN UNNECESSARY HARDSHIP AND PERMIT A REASONABLE USE OF THE LAND?

Right now the applicant is under severe hardship because the setback requirements would virtually allow no significant structure. A variance would allow a reasonable use.

14. HOW WOULD THE VARIANCE ALLOW THE INTENT OF THE ZONING ORDINANCE TO BE OBSERVED AND SUBSTANTIAL JUSTICE DONE?

Justice is fair to all. All the neighbors have built structures on these small lots shouldn't she be allowed same?

15. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?

☒ No

☐ Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

BZA Variance No. _____

16. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1321 and relevant provisions of the Charles Town Zoning Ordinance outlining the City's Board of Zoning Appeals application and approval procedures.

Signature of Applicant

Shari W. Barnhart Date 5/20/26

Signature of Owner(s) (If different than Applicant)

_____ Date _____

Please submit an original completed application to the following:

At City Hall:

Zoning Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

Or

Via Mail:

Zoning Administrator
City of Charles Town
PO BOX 14
Charles Town, WV 25414

BZA Variance No. _____

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Zoning District: _____

Fee: $_____ Check No._____ Receipt No._____

BZA Hearing Date:_____ Decision:_____

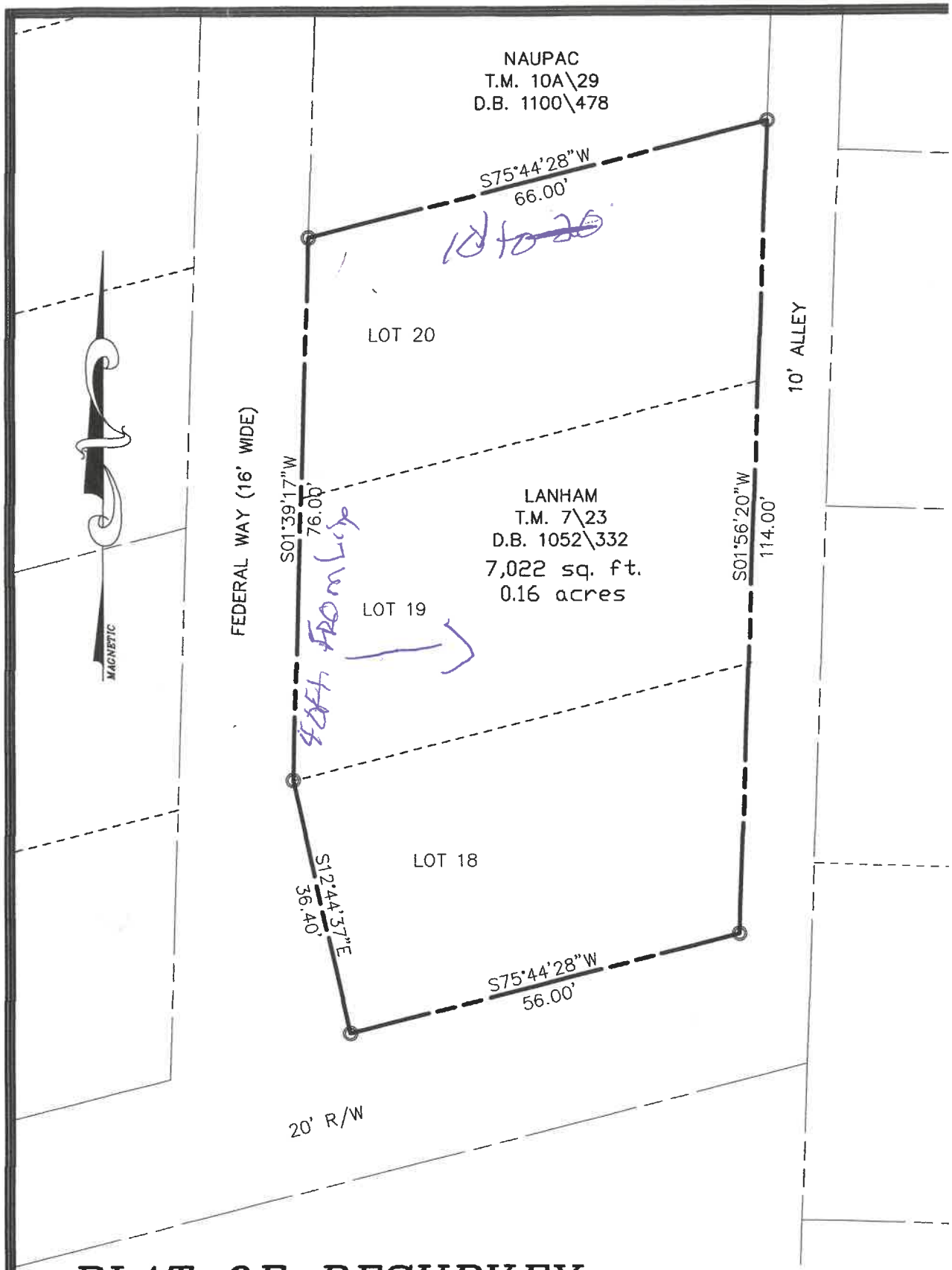
Comments:_____

_____

_____

_____

_____



PLAT OF RESURVEY

PLAT SHOWING RESURVEY OF LOTS 18, 19. 20, DEED BOOK V PAGE 331
STANDING IN THE NAME OF SHARI W. & ROBERT K. LANHAM, AS RECORDED I
OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 10
LOCATED IN CHARLES TOWN CORPORATION, JEFFERSON COUNTY, WEST VIRGINI

Jefferson County West Virgin

Tax Map Viewer



FEDERAL WAY
ALLA WILLA DR
JEFFERSON AVE



Trailer on the left is directly north of the property in question. Its front setback off Federal Way is about 10 feet.

The property on the right has no front setback. Notice front steps but no front door on the alley!

C



This view facing north on Federal Way shows front setback of large part of the new construct very close to the alley.

C



This photo facing south shows back "alley" which appears on the city map but is not passible.

The building on the right is the blue two story structure under construction. The rear setback on the alley is probably two feet.

On the left of the "alley" are yards facing Jefferson Avenue.

Rear Setback

C



This is a small structure within a foot or two of the blue two-story building under construction. The setback on this building in the front is approximately 12 foot.

New Construction on left is what I call the blue building. At this point, Front setback is about 9 feet.

E

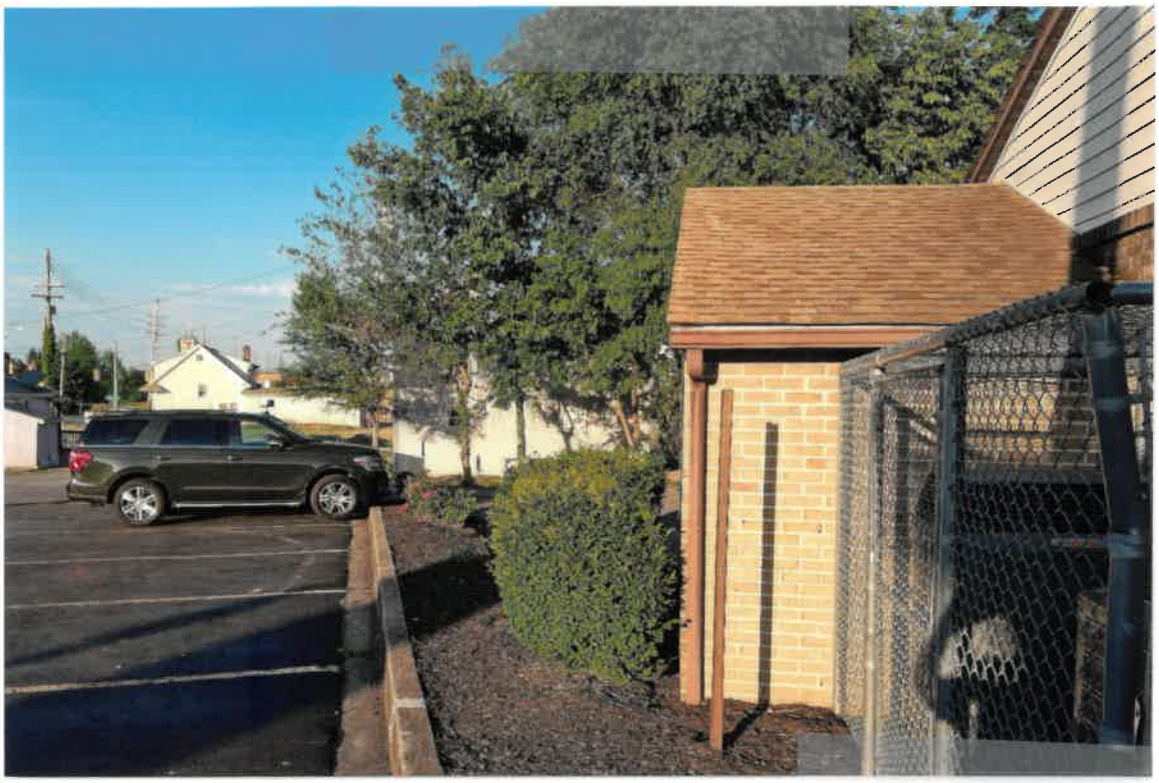


This house is on the west side of Federal Way. Rear setback is a few feet. Front setback about 12 feet.



This structure is on the west side of Federal Way. It has no front setback. It is so close to the road that the door is on the side. It has no setback to the north side.

G



Top shows minimal side setback at ~~Vista Point~~. Vital Signs.



Photo shows front setback at Vital Signs which is the length of a parking place - around twenty feet.

G



This shows minimal rear set back of strip of buildings furthest north on the west side of Federal Way and including Vital Signs.
Rear of buildings butt up against Wendys parking lot.