CITY OF CHARLES TOWN
BOARD OF ZONING APPEALS
AGENDA • SEPTEMBER 15, 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 June 16, 2026 minutes
2026_June_16_DRAFT_BZA_minutes.pdf

4. APPROVAL OF FINDINGS OF FACTS AND CONCLUSIONS OF LAW

4.1 : Findings of Fact - BA2026-01 - Wall Street Lots - Variance
BA 2026-01.pdf

4.2 : Findings of Fact - BA2026-02 - Federal Way - Variance
BA 2026-02.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: 09/15/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

DRAFT June 16, 2026 minutes

ATTACHMENTS:

- 2026_June_16_DRAFT_BZA_minutes.pdf

CITY OF CHARLES TOWN

BOARD OF ZONING APPEALS

MINUTES • June 16, 2026

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

101 East Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

Present: Locke Wysong
Christopher Cox
Anita Finkelstein
Jim Thomas

Staff: James Newman, Zoning Administrator

2. DETERMINATION OF QUORUM

3. APPROVAL OF MINUTES

3.1: **DRAFT** Minutes – November 18th, 2025

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

3.2: **DRAFT** Minutes – January 21st, 2026

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

4. APPROVAL OF FINDINGS OF FACTS AND CONCLUSTIONS OF LAW

4.1: **BA2025-04** – 644 S Samuel St – Variance Request

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

DRAFT

5. PUBLIC HEARINGS

5.1: BA2026-01 – Donald Pine – Wall Street Lots - Variance Request

Staff presentation.

Applicant Donald Pine was sworn in and spoke. He explained how the rear lot is useless without road frontage and he wanted to make it usable by reconfiguring the lots.

Motion to enter deliberation at 7:18pm:

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

Motion to return to regular session at 7:23pm:

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

Motion to approve the variance request as presented:

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

5.2: BA2026-02 – Shari Lanham – Federal Way - Variance Request

Staff presentation.

Applicant Shari Lanham was sworn in and spoke. She stated she is trying to sell the lot but the setbacks make it unusable.

Motion to enter deliberation at 7:39pm:

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

Motion to return to regular session at 7:43pm:

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

DRAFT

Motion to accept the informal testimony before going into deliberation as being truthful:

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

Motion to approve the variance request as presented:

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

6. CONTINUED CASES

None.

7. OTHER BUSINESS

None.

8. ADJOURNMENT

Adjournment at 7:45 pm

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

DRAFT

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

Meeting: 09/15/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Findings of Fact - BA2026-01 - Wall Street Lots - Variance

ATTACHMENTS:

- BA 2026-01.pdf

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

In re: Docket No. BA 2026–01 Application for Variance by Donald Pine

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

This matter came before the Board of Zoning Appeals at its regularly scheduled meeting held on the 16th day of June 2026, for public hearing upon the application for a Variance filed by Donald Pine (the "Applicant"), who also own the property. Board members present were Chairman Locke Wysong, Vice Chairman, James Thomas, Jr., Christopher Cox, and Anita Finkelstein, being a quorum. Also present were the City's Zoning/Subdivision Administrator, James Newman.

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 Applicant 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 side yard setback of ten (10) 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 two lots and is located in the Charles Town Corporation District on Tax Map 6, Parcel Parcels 18.1 and 19.1.

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 owned two lots, one of which was landlocked with no road frontage. The Applicant is seeking to reconfigure the lots into two rectangular lots with road frontage. As reconfigured, each lot contains thirty-two (32) feet of road frontage, and the zoning district's requirement of a to feet setback would only provide twelve (12) feet of width for a building. Mr. Newman informed the Board that the Applicant was requesting a variance to reduce the side yard setbacks from ten (10) feet to six (6) feet, which reduction would provide twenty (20) feet of building width. 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 was next sworn in and testified. He provided an overview of the request, indicating that the request would allow him to build two houses that each had road frontage, instead of constructing one house directly behind the other. The Board asked clarifying questions concerning the location of potential driveways and parking.

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, by motion duly made by Board member Cox and seconded by Board member Finkelstein, determined by a vote of four (4) 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 side yard setback from ten(10) to six (6) feet should be granted.

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 reduction of the setback conforms with the intent of the current zoning and does not adversely impact the adjacent owners or their property.

2. The Variance arises from special conditions or attributes which pertain to the subject real property and which were not created by the Applicant. Parcel 19.1 is currently landlocked and would require an access easement from Parcel 18.1 or another adjacent lot in order to allow for any type of development of the parcel. Rather than impose an easement on one property, the Applicant seeks to reconfigure the shapes of the lot to provide both with road frontage and eliminate the need for an easement. The landlocked feature is a unique attribute of the property that makes the variance reasonable.

3. The Variance will eliminate an unnecessary hardship and permit a reasonable use of the land. The reduction of the side yard setback will allow the lots to be reconfigured and eliminate a landlocked lot.

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.

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 four (4) 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 side yard setback requirements from ten (10) feet to six (6) feet

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 Locke Wysong, 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: 09/15/26
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Findings of Fact - BA2026-02 - Federal Way - Variance

ATTACHMENTS:

- BA 2026-02.pdf

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

In re: Docket No. BA 2026–02 Application for Variance by Shari Lanham

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

This matter came before the Board of Zoning Appeals at its regularly scheduled meeting held on the 16th day of June 2026, for public hearing upon the application for a Variance filed by Shari Lanham (the "Applicant"), who also own the property. Board members present were Chairman Locke Wysong, Vice Chairman, James Thomas, Jr., Christopher Cox, and Anita Finkelstein, being a quorum. Also present were the City's Zoning/Subdivision Administrator, James Newman.

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 Applicant 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 side yard setback of ten (10) feet specified in **Section 1322.10, General Commercial (GC) District**, and **Table 1322.10, GC District Bulk and Area Regulations**. The subject real property consists of one lot and is located in the Charles Town Corporation District on Tax Map 6, Parcel 23.

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 desired to sell the property to a business but the combined side, rear, and front yard setbacks make it impossible to build any structure on the lot. The front yard is located adjacent to Federal Way and the rear yard is adjacent to an alley. The side yard is adjacent to a structure located within the unincorporated area in Jefferson County's residential growth zone. Under the current zoning designation, the front yard setback is forty (40) feet, the rear yard setback is thirty (30) feet and the side yard setback is twenty-five (25) feet. The Applicant sought a reduction of three setbacks and proposed the following: twenty-five (25) feet for the front yard, ten (10) feet for the side yard, and ten (10) feet for the rear yard.

The Board had no questions for Mr. Newman.

The Applicant, Ms. Lanham was next sworn in and testified. She provided an overview of the request, indicating the reduction would allow her to sell the lot to a potential business who wanted to place a business on the property. She reviewed the location and size of the lot, indicating that the lot was unusable with the current setback requirements.

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 unanimously voted to accept the informal testimony presented prior to entering deliberation as truthful. Additionally, by motion duly made by Board member Cox and seconded by Board member Finkelstein, determined by a vote of four (4) 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, front, and side yard setbacks should be granted.

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 reduction of the setback conforms with the purpose the current zoning district and does not adversely impact the adjacent owners or their property.

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 combination of the unique shape of the lot and the zoning of the adjacent properties makes it impossible to develop the lot under its existing General Commercial zoning.

3. The Variance will eliminate an unnecessary hardship and permit a reasonable use of the land. The requisite setbacks of the General Commercial district are not suitable for this property because the prohibit any development of the lot, while the proposed setbacks would maintain a reasonable distance from the adjacent properties and road frontages.

4. The Variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done. The intent of the General Commercial District is to allow for business development. The Applicant has a purchases interested in commercial development, however, it cannot be developed without the variance. The Variance will allow the property to be developed in conformance with the its current zoning.

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 four (4) 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 front yard setback requirements from forty (40) feet to twenty-five (25) feet, the side yard setback requirements from twenty-five (25) to ten (10), and the rear yard setback requirements from thirty (30) feet to ten (10) feet.

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 Locke Wysong, 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.