

**MINUTES**  
**PAGE COUNTY BOARD OF ZONING APPEALS**  
**April 18, 2023**

**Members Present:**

John Coleman, District 2  
Danny Comer, District 4

Kevin Moyer, District 3

**Members Absent:**

Linzy Cumbia, District 1

Vacant, District 5

**Staff Present:**

Tracy Clatterbuck

**Call to Order:**

Chairman Coleman called the meeting to order of the Page County Board of Zoning Appeals at 10:07 a.m., in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia.

**Adoption of Agenda:**

Mr. Moyer made a motion to adopt the agenda as presented. The motion was seconded by Mr. Comer. The motion passed unanimously (3-0).

**Public Hearing**

**A. Scenic Serenity, LLC- Variance Application**

Chairman Coleman opened the public hearing at 10:08 a.m.

Ms. Clatterbuck presented the following staff report:

Scenic Serenity LLC has filed a variance application for a lot located off Holly Hill Road, Luray, VA, and further identified by tax map number 39B1-(1)-D27. The lot is located in the Shenandoah Forest Subdivision, contains 0.7621 acres, and is zoned as Residential (R). The density range in the area is light. Pursuant to § 125-11.E of the Page County Zoning Ordinance, the minimum front setback requirement with onsite water and sewer is 35 feet. The applicant is requesting that a variance be granted to allow for a two-foot setback off the right-of-way. If granted, the applicant plans on building a new home. Ms. Clatterbuck encouraged the members to review the plat provided by the applicant explaining that the actual platted right-of-way is not where the road physically is onsite. She added that the lot is steep and with the location of where the drainfield has to go, the applicants cannot move the house back any farther.

The applicant has reached out to James Campbell, Page County Building Official, Jeff Nicely, with the Virginia Department of Transportation, and Lynn Strickler at the Page County Health Department all of whom have no objections to the variance request. Copies of comments are included in your packets.

Pursuant to §15.2-2204 of the Code of Virginia, adjoining and adjacent property owners have been notified. There were no written comments received. She concluded noting that the applicants were present for any questions.

Chairman Coleman asked what the percentage of slope was on the lot. Mr. McCaughan (co-owner) replied 45%. There is a knoll where they are proposing to build the house and everything else is

between 40-45%.

Mr. Moyer stated when these lots were subdivided originally, they did it on paper. They didn't do it based on what it would look like with buildings on them. Mr. McCaughan agreed. He noted the lot had a beautiful view but it was only buildable in that one spot.

There being no speakers, Chairman Coleman closed the public hearing at 10:13 a.m.

Mr. Comer made a motion to approve the variance request as requested. The motion was seconded by Mr. Moyer. The motion passed unanimously (3-0).

**B. Melissa Lashway- Variance Application**

Ms. Clatterbuck presented the following staff report:

Melissa Lashway has filed a variance application for property located at 2012 Kimball Road, Luray, VA, and further identified by tax map number 33-(A)-39A. The property contains 1.50 acres and is zoned as Agriculture (A-1). The density range in the area is medium. Pursuant to § 125-10.F of the Page County Zoning Ordinance, the minimum rear setback requirement is 50 feet. The applicant is requesting that a variance be granted to allow for a 15-foot setback off the rear property line. If granted, the applicant plans to convert an existing storage building on the property to a guesthouse.

The existing accessory building is currently 19'x13'. They are proposing to add an addition (approximately 14'x18.5') onto the accessory building. By adding this addition, it will make the structure 15' from the rear property line. It is important to note that even without the proposed addition, the accessory building does not meet the required minimum setback on the rear property line of 50 feet for a dwelling.

The applicant has reached out to James Campbell, Page County Building Official, Jeff Nicely, with the Virginia Department of Transportation, and Lynn Strickler at the Page County Health Department all of whom have no objections to the variance request. Copies of comments are included in your packets.

Pursuant to §15.2-2204 of the Code of Virginia, adjoining and adjacent property owners have been notified. Ms. Clatterbuck provided the members with a copy of written comments from Daniel Keeler. Mr. Keeler owns the property that is directly behind this lot that is requesting the variance. He had no objection to the request but did note that he had a deed of easement for a water line that runs across Ms. Lashway's property that will continue in perpetuity.

Ms. Clatterbuck concluded to note that the applicants were notified of the public hearing and had said they would be here; however, she did not see them present in the audience. She would try to answer any questions the Board may have.

Chairman Coleman opened the public hearing at 10:16 a.m.

Eugene Fox- Mr. Fox noted he lived off of Kimball Road; however, his property does not join this property requesting the variance. He noted he didn't disagree with anything Ms. Clatterbuck said. The only thing he has is that this area is an agriculture area. As time has gone on, farm machinery is getting bigger and bigger. When he was a kid, an eight foot wide mower to mow hay was no problem. Now, a piece of equipment that you mow hay with is eight to sixteen feet wide. Kimball Road is a secondary road. He and a lot of other farmers use that road from Spring until

Fall. That could get to be an issue if more inhabitants continue to visit the area. He understands that these people won't live here permanently. He means no disrespect but a lot of people that will rent this property don't know anything about agriculture or equipment. All they know is there is a hard surface road. Tractor and Trailers used to use that road. Some people complained and now they only get three to four tractor and trailers a year on that road where it used to be three or four a day. That is his only objection with this. As far as the lay of the land, sixty years ago his wife and him lived in that house as his father owned the property. That has nothing to do with it today. The building that she wants to change was an old wash house. The road concerns are the only issues he and others have with this. He meant no disrespect to anybody. As far as what he spoke with Ms. Clatterbuck about before the meeting, it hasn't been recorded according to what was provided by her.

Chairman Coleman asked if this was in reference to the water comments which really doesn't impact the Board, and Ms. Clatterbuck confirmed noting that the Health Department had no issues with the request. Chairman Coleman asked where the well was and Ms. Clatterbuck responded across the road. Mr. Fox requested staff bring up the GIS map and he would show them where it was.

Chairman Coleman asked why the applicants weren't putting the guesthouse somewhere else on the lot. Ms. Clatterbuck responded that Ms. Lashway was hoping to be able to convert the existing building into the guesthouse because they appreciate the history of the building and were all about preservation and restoration for this property. Mr. Moyer noted that the back of the lot has a steep slope. His company had done some clearing around the house when they were cleaning it out back some time ago. Mr. Fox stated he didn't think that there was a bathroom in that house. Ms. Clatterbuck noted that they will be installing a new septic. She also noted for the record that a guesthouse is allowed by-right in the A-1 zoning district provided the minimum setbacks can be met.

Mr. Moyer stated he was on this Board because things weren't getting done right around here. He came on this Board to fight for the farmer. He understands this isn't a farmer buying this and they will want to rent it out. Unfortunately, there is nothing illegal about what they are wanting to do with the building with the exception of the Board granting a variance so they can do it. We have also helped a lot of farmers in the community that are struggling to make ends meet with their farms. They are utilizing other buildings on their properties for this same proposed use. It is a damned if you do, damned if you don't situation. He finds it hard to go against these applicants when we are doing the same thing for our people which is the farmers.

Chairman Coleman stated that on Clearview Road up against Quiet Acres where he would enjoy a fantastic view out to the west across the cemetery to New Market Gap, etc. but it's a new home, and he has a triangle shaped lot that he has to stay 50 feet off both edges. If he or someone else wanted to put a weekend rental in there, there is a conflict. Mr. Moyer pointed out that he should bring it before the Board. Chairman Coleman stated what he was trying to say was who is the other person that is going to come along and say, existing or not, you are allowing them to push even closer into the setback. Mr. Moyer stated it still comes down to this situation. The setback on this one here won't have a neighbor come in behind him building a home. Chairman Coleman stated that it sounded like this lot has a perpetual neighbor.

Ms. Clatterbuck explained that the Board of Supervisors recently changed the definition of guesthouse. Previously, they were not allowed to be rented separate from the main house but now they can.

Mr. Logan Smith walked into the meeting identifying himself as co-owner of the property. Ms. Clatterbuck asked Mr. Smith to provide the Board with an overview of their plans for the property. Mr. Smith stated their initial plans are to get the small cottage (proposed shed to be converted) completed so that they could move into it while they work on the old farmhouse. They don't have the initial funds to fix up the old farmhouse. Down the road, the cottage could be used as a short-term rental but it's looking more like an in-law suite. Ms. Clatterbuck asked him to confirm that the septic permit was for three bedrooms but that was for the old farmhouse and the proposed cottage. Mr. Smith stated if they did choose to rent it out, the most they would likely allow would be two people. Ms. Clatterbuck restated that based on what Mr. Smith said, initially, they don't have plans to rent out the cottage but instead they would reside there.

Chairman Coleman closed the public hearing on 10:35 a.m.

Ms. Clatterbuck noted that staff did not have any concerns with it. She reminded the Board that they were deciding on the setback request. In her opinion, the only person or property this will affect is Mr. Keeler's and he has no concern as long as their plans do not affect his water line easement.

Mr. Moyer stated based on the information he understood, knowing what they are trying to do, and knowing the old farmhouse will likely take years to make livable, he made a motion to approve the setback request as presented. Mr. Comer seconded the motion. The motion passed unanimously (3-0).

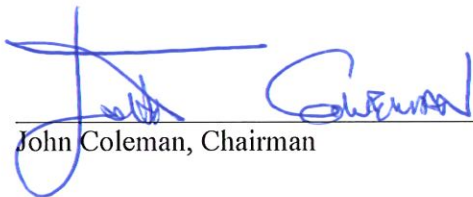
**Unfinished Business:**

**A. Election of Officers (Chairman, Vice Chairman, Secretary)**

Mr. Moyer made a motion to keep all positions the same (Chairman- John Coleman, Vice-Chairman- Danny Comer, Secretary- Tracy Clatterbuck). The motion was seconded by Mr. Comer. The motion passed unanimously (3-0).

**Adjourn**

Mr. Moyer made a motion to adjourn the meeting. Mr. Comer seconded the motion. The motion passed unanimously (3-0). Meeting was adjourned at 10:39 a.m.

  
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John Coleman, Chairman