

**MINUTES**  
**PAGE COUNTY BOARD OF ZONING APPEALS**  
**September 16, 2025**

**Members Present:**

Paul Otto, District 1

Kevin Moyer, District 3

**Members Absent:**

John Coleman, Chairman, District 2

Vacant, District 4

Vacant, District 5

**Staff Present:**

Cassie Richards

Josh Hahn

**Call to Order:**

Moyer called the meeting to order of the Page County Board of Zoning Appeals at 10:10 a.m., in the Board of Supervisors room located at the Page County Government Center, 103 S Court Street, Luray, Virginia. Moyer noted there was a quorum present consisting of two members.

**Adoption of Agenda:**

Mr. Otto made a motion to adopt the agenda as amended to table By-Laws Discussion and Election of Officers from New Business. The motion was seconded by Mr. Moyer. The motion passed unanimously (2-0).

**Public Hearings:**

**A. Leigh Gordon- Variance Application**

Mr. Moyer opened the public hearing at 10:13 a.m.

Ms. Richards presented the following staff memo:

Leigh Gordon has filed a variance application for property located on Mountain Top Drive, Luray, VA, and further identified by tax map number 21-A-14. The property contains 0.967 acre and is zoned as Woodland Conservation (W-C). Pursuant to § 125-9. F of the Page County Zoning Ordinance, the minimum front setback requirement for a single-family dwelling is 50 feet from the right-of-way of the road, and the minimum side setback requirement for a single-family dwelling is 20 feet. The applicant is requesting that a variance be granted to allow for a ten (10) feet front setback and a ten (10) feet side setback. If the variance is granted, the applicant plans to place a 26'x26' new single-family dwelling on tax map number 21-A-14.

The applicant has reached out to the following agencies/departments for comments as required in the application, and copies of agency responses are included in the application packet:

- Page County Building Official, per James Campbell “Building department has no objections to the variance request, provided that proper building permits are obtained before any construction takes place.
- Virginia Department of Transportation (VDOT), per Oakley Hill “VDOT has no issues with the proposed variance. It is not expected to have a negative impact on state route 675 (Fort Valley Rd).
- Page County Health Department, Per Ashley Walker “Health department has no objections to the variance request and no objections to the proposal.

Pursuant to §15.2-2204 of the Code of Virginia, adjoining and adjacent property owners have been notified. Ms. Richards noted that any written comments that had been received are attached in packet and hard copies were provided at public hearing.

She concluded noting the applicant was present for any questions.

There being no speakers, the public hearing was closed at 10:15 a.m.

Mr. Otto stated that from the topo why you would want a reduction in the front setback; however, I cannot see clearly from what’s been presented why you need a reduction in the side setback from 20ft to 10ft. Mr. Moyer asked Mr. Otto if he has been to the site. Mr. Otto explained he wanted to do a site visit. Mr. Moyer asked Mr. Gordon if this property was where the wildfires had gone through. Mr. Moyer explained that the lots up there are really narrow and it’s the top of Massanutten mountain and it’s nothing but rocks. He explained he tore down one of the houses that burnt. It took twice as long because if you lost a rock it would up on the highway down below you. Mr. Moyer stated Mr. Gordon has very little room to work with. It’s just so narrow and position it between the rocks and what little bit of ground.

Mr. Otto asked with all that rocky soil, how can you get a perk? Mr. Gordon explained they have contacted Greenway Engineering, and they have been up three times already. We have met up there twice. Mr. Gordon stated when they met they had a mini excavator and were able to dig through that. He was satisfactory with the soil conditions that were up there. Mr. Gordon explained that adjoining property owner Mrs. Williams has a drain field at her site, as well. Mr. Gordon stated like Mr. Moyer said its very, very challenging. It’s very close - you can’t really tell by the plat how narrow those lots are. They are only barely a 100-feet wide. He stated by the time you try to get a drain field in there, any kind of structure at all, and any kind of driveway, you are out of space, totally. Mr. Gordon explained that they left that to the professionals before they went much further on this. They had Greenway come to do their soil analysis. He has a septic permit that the County has already issued, so that has been taken care of.

Mr. Otto stated, once you get through to the surface rock you have perkable soils. Mr. Moyer explained that it’s not clay up there. It’s all sandy like the sandstone, it’s good dirt underneath, just rocky on top. Mr. Gordon explained they will just have to work around some of the rocks that are there. A lot of them can be moved, but it just depends on the size of the rock. Anything like that, we can move.

Mr. Otto stated that is all the questions he had for the applicant. He had one question for staff. He would like clarification on from what point the front setback would be, as he understands it's supposed to be from the right-of-way of the road. Ms. Richards stated that was correct. Mr. Otto asked if the 1977 fire service line is that the right-of-way of the road, is that the line the setback will be made from. Ms. Richards answered it's from the deeded right-of-way, explaining it would be Mountaintop Drive. Mr. Otto stated the right-of-way goes beyond the width of the road in most cases. Ms. Richards explained that staff measures from the edge of the right-of-way, explaining if the right-of-way is 30 feet then we would start measuring at half of that which is 15 feet to the front property line. From that point of the front property line you are measuring into your setback. Mr. Otto asked if it was a forty-foot right-of-way.

Mr. Hahn explained to answer Mr. Otto's question, when a zoning permit is received, when staff goes out to do a site visit, they will frequently require the property or application to actually mark the edge of the right-of-way. That's what they are to measure out from to apply our zoning ordinance. If that right-of-way is not marked, they will typically use the centerline of the right-of-way, but they are still going by what the property owner is representing. It is incumbent upon the property owner to demonstrate where that right-of-way is or hire surveyor to come out and mark it for them. If they are not representing where that right-of-way is and later it is determined there is a violation, staff will issue a notice of violation. But we aren't surveyors, so we can't go out there and determine the corner for them. If the legal question is where are supposed to measure from, it will be from the edge of the right-of-way as represented in the plat or deed.

Mr. Otto explains that in these papers, the right-of-way is defined as a 40-foot right-of-way, granted by one of the property owners to the park service. In that case, would you measure into the center of road, then come back 20 feet? Mr. Hahn answered in absence of markings of the actual edge right-of-way, yes. Mr. Hahn also explained that perhaps the applicant can speak to it, as well - there is some degree of confusion or disagreement with the forestry service/George National Forest regarding who owns the property within the right-of-way and the property to the North East side. The plat that you have in the packet is the property owners attempt to make their claim as their actual edge of their property. The County takes no position on that. We assess and map as per plats that are earlier recorded by a licensed surveyor. Mr. Hahn stated that was a duly recorded surveyor, so that is why we mapped it that way. You will notice if you look at the online GIS that not all parcels are showing going across the road, because we only received those two surveys that show going across road. Mr. Moyer stated that is was his understanding that road has been in existence for so long that even the forest service can't use the road.

Mr. Otto stated that it is reasonable to assume that if a survey was done on either one of those two lots, the line would be determined as an extension of the lines on the lots of either side. He explained lot 21-A-13 and the lot south of 21-A-15 have been surveyed, and they are showing that monumented line.

Mr. Hahn explained he has seen a plat for all these lots, but this is a modern plat. These are the only two lots that have been recently surveyed. I know that the applicant can probably speak to some problems that a previous surveyor had created and some error in property lines that have led to some court cases, and ultimately this past year a boundary line adjustment to try to correct the line. Mr. Hahn referred to the plat that shows the hereby-extinguished lot line - this was based on a court decision. The original lot line is where you're actually seeing the line, which was moved this past year.

Mr. Otto explains he is trying to provide some basis on which to avoid disputing in the future. Mr. Hahn stated regardless its not the front line as represented by those lot lines all the way to the west - the setback we would be imposing is from the right-of-way as represented in deed and plat. If the variance is granted, it would be for whatever the distance the variance is granted from that right-of-way as described by deed and plat.

Mr. Otto made a motion to approve the variance request as requested. The motion passed unanimously by roll call vote (2-0).

**Unfinished Business:**

None

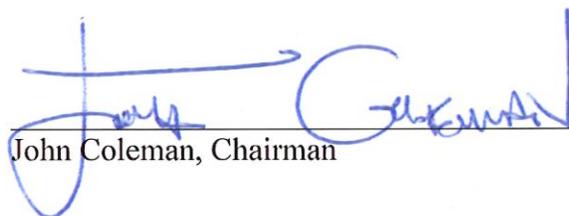
**New Business:**

**A. Adoption of Minutes- June 18, 2024; June 17, 2025**

Mr. Otto made a motion to approve the minutes of June 18, 2024 and June 17, 2025 as presented, with stipulation that Mr. Otto was not present at the June 18, 2024.

**Adjourn:**

Mr. Otto made a motion to adjourn the meeting. Mr. Moyer seconded the motion. The motion passed unanimously (2-0). The meeting was adjourned at 10:30 a.m.

  
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John Coleman, Chairman