



Board of Zoning Appeals Meeting Agenda

October 29, 2025

Community Development Meeting Room at 6:00 p.m.

1. Call to Order– Chairman Harvey
2. Pledge of Allegiance and Invocation– Chairman Harvey
3. Approval of Minutes from June 3, 2025, meeting
4. Public Hearing– VAR25-1281 Kevin & Millicent Sager
5. Unfinished Business– *None.*
6. New Business– *None.*
7. Adjournment

Board of Zoning Appeals

Minutes

June 3, 2025

The Rockingham County Board of Zoning Appeals met on Tuesday, June 3, 2025, in the Board of Supervisors Meeting Room in the Rockingham County Administration Center. BZA members present were Mike Harvey, Keith Hurst, Jon Ritenour, and Charles Dean, with Randy Whitmore being absent. Staff members present were Zoning Administrator Kelly Getz, Deputy Zoning Administrator Daniel Barnett, Building and Zoning Coordinator Josh Haugh, and Secretary Dale Gulley.

At 5:00 p.m., Chairman Mike Harvey called the meeting to order.

MINUTES

On motion by Mr. Dean and seconded by Mr. Hurst, the October 12, 2022, Minutes were approved with a roll call vote of 4-0.

PUBLIC HEARING.

Zoning Variance Request

Mr. Getz presented the following request:

VAR25-0440 A rear porch attached to the dwelling at 435 Surry Place, McGaheysville, was built larger than designed by the original builder. This caused the porch to encroach into the side setback. The original owner has passed away and the home has been inherited. The heir, Mrs. Pavlik, had no knowledge of this encroachment until a survey was completed showing the rear corner of the porch being placed six inches into the side setback and is therefore requesting a zoning variance for a setback reduction of one foot to bring the porch into compliance.

Mr. Dean asked if there are any utilities within the utility easement which the porch encroaches upon.

Mr. Getz stated that there are currently no utilities within the utility easement.

Chairman Harvey opened the public hearing at 5:05 p.m.

Amanda Pavlik, property owner, stated that the reason for the zoning variance request is to ensure that the setback encroachment does not encumber herself or a future owner.

Seeing as there was no one to speak in opposition to the rezoning, Chairman Harvey closed the public hearing at 5:06 p.m.

On a motion for approval by Mr. Dean, seconded by Mr. Hurst, and carried by a roll call vote of 4-0 the variance was approved. Voting recorded as follows, Mr. Dean AYE; Mr. Harvey AYE; Mr. Hurst AYE; Mr. Ritenour AYE.

UNFINISHED BUSINESS

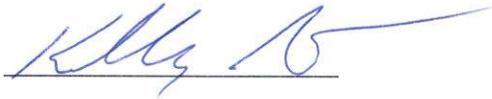
There was no unfinished business.

MISCELLANEOUS

There were no miscellaneous items.

ADJOURNMENT

At 5:08 p.m., having no further business, the Board of Zoning Appeals adjourned.

A handwritten signature in blue ink, appearing to read "Kelly Getz", is written over a horizontal line. The signature is stylized and includes a long horizontal flourish extending to the right.

Kelly Getz, Agent for BZA

ROCKINGHAM COUNTY
ZONING VARIANCE APPLICATION

FOR OFFICE USE ONLY

FEE: \$350.00

DEADLINE DATE: _____

RECEIPT # _____

HEARING DATE: _____

DATE REC _____

TAXES PAID _____

BZA # _____

APPLICANT: KEVIN & MILLICENT SAGER

CONTACT PERSON: GREG BARBER Architect Daytime No _____

LOCATION: (N S E W) side of Road Name McCaheysville Rd (Route Number) approximately 100 miles (feet) (N S E W) of Road Name THREE LEAGUES Route Number) in the STONEWALL Magisterial District, Election District # 5

TAX MAP # _____ ZONING: RZ ACRES: .92 McCaheysville Precinct

TO THE BOARD OF ZONING APPEALS:

I (We) respectfully request that the Board of Zoning Appeals decide our appeal for a variance. This appeal is for a variance to the Rockingham County Code and is relative to the: Area, X Sideyard Height, Use, Parking or Other (specify other) 15.2-2309 provisions of the Code; specifically

I (We) request 30" (inch) sideyard setback variance

for the following reason(s): SEE ATTACHED SHEETS FOR WRITTEN EXPLANATION

A previous appeal on this (has has not) been filed on this property. My (Our) interest in this property is as (owner, lessee, contract purchaser).

NA
(Firm or Corporation)

By: Kent Sager
Millicent Sager

(SEE OTHER SIDE)

Aug. 20, 2025

Thomas Miller, Esq.
County Attorney
20 East Gay Street
Harrisonburg, Virginia 22802

Re: Rockingham County Zoning Variance Appeal
For Kevin and Millicent Sager

Evidence / Proof / Argument of Hardship

1. Kevin and Milly Sager, who now own the property, rented the property at 9109 McGaheysville Road for over 30 years.
2. Kevin and Milly Sager both work now, and have worked all of their lives in Rockingham County, Kevin as a construction worker, Milly now as an office worker in a Veteranarian Clinic. Kevin and their son will do their own renovation work.
3. Kevin and Milly now need and want to renovate their property and bring it up to date. The original property was built in 1964.
4. Milly has a size and weight disability and is close to 60 years old. All renovations will be made with the keen intent to accommodate Milly's disability as a hardship and allow her and Kevin to age in place and remain in their home for as long as possible. This is their one shot at having something which accommodates them.
5. Although this home sits on a lot which comprises close to a full acre (.92 actual), the original siting of the house is totally limiting and comprises a hardship. The house has been "jammed" up against the western lot line to within 6 inches of the 10 foot setback, constraining and completely limiting any widening of internal spaces needed to accommodate other hardships, such as Milly's disability. What was the original builder thinking?
6. The original house walls are 8 inch cinder block from basement to roof truss bearing. The whole house is 8 inch cinder block, except for interior walls. This creates a hardship because tearing down and then reconstructing any new "exterior" bearing walls is very expensive. Therefore, design goals must be reasonable and consider the necessary budget.
7. In the original 8 inch block house, the substandard garage space (11 foot wide) was placed on the left side of the house and sits 6 inches from the 10 foot building restriction line, known as the required "setback", as previously stated. This presents a hardship to the couple because it sets in motion and controls all of the design considerations and decisions that have to be made.
8. The existing garage space cannot be used as a garage anymore because it does not allow disability or code approved handicap travel around the car and opening and closing doors. Furthermore, the original garage was long ago captured as a "den" and no longer exists as a garage. Presently there is no garage.

9. Because of the essential necessity of considering Milly's inherent disability, and the financial necessity to age in place, a new garage must be placed on the right side of the existing house. A garage is essential because during the winter time, refuge from rain, winds, snow, sleet, and similar storms must be in place to accommodate safe travel for Milly when she must carry as one with a disability, for example, groceries into the house.
10. Having now explained in brief detail the design process and the essential necessity of accommodating disability and handicap needs, hopefully the reader(s) and listener(s) can now understand why changes in the original garage, now existing den space, are forced by default, and due to hardship, and must be made.
11. The existing den (once original garage) must be turned into a handicap disability accommodating bedroom space. There are no alternatives that make sense either spacially or financially. Alleviating this hardship is paramount to spending any money for renovations. Renovations and reasonable accommodations are a constitutional right, is it not so, as long as they don't infringe on the same for adjacent property owners? Reasonable renovations to one's own property are generally protected under the constitutional rights related to property ownership, particularly through the Fifth Amendment's Takings Clause and the Fourteenth Amendment's Due Process Clause. These amendments safeguard the rights of property owners to use and enjoy their property.
12. An 11 foot wide bedroom space will not accommodate a bed, furniture, and wheel chair or disability access around the furniture at the same time. A California king bed, which is necessary in this case, is 84 inches long, without covers and spreads. A chest of drawers at the base of the bed will occupy another 24 inches. This allows 24 inches for ingress and egress and circulation around the bed. Disability and handicap access is therefore denied, not accommodated, and thus a hardship. Forcing the occupants to use a 24 inch aisleway at the foot of the bed would place an undue hardship on them while they continue to live and work, and eventually age in place.

Reasonable

1. A careful examination of the adjoining property will show that there are no abutting spaces or uses of spaces which would suffer from a 30 inch by 15 foot variance.
2. Appealing to the County to accommodate a request for Kevin and Milly to use their property in the pursuit of life, liberty, and happiness, in this circumstance, is a reasonable request.

THANK-YOU

D. Greg Barger
Registered Architect Va. # 7813
Owner, Housing Design and Architecture, Inc.

Client:

Date:

Department of Community Development



Zoning Variance Case Report: VAR25-1281

Applicant	Kevin and Millicent Sager
Address	9109 McGaheysville Road, McGaheysville, VA 22840
Comprehensive Plan	Residential within an Urban Growth Area
Tax Map #	142-A-23
Present Zoning	R-2 (Medium Density Residential)
Acreage	0.919
Election District	5
Board of Zoning Appeals	Wednesday, October 29, 2025

General Information

Overview and Background

The applicant is requesting a zoning variance to the minimum side setback at 9109 McGaheysville Road, McGaheysville, VA 22840. If granted, this variance would allow an addition to be constructed on the existing single-family dwelling which would encroach no further than 30 inches in width by 15 feet in length into the side setback which adjoins the neighboring property to the west.

The applicant has stated that Mrs. Sager has a size and weight disability and is close to 60 years old. All renovations will be made with the keen intent to accommodate Milly's disability as a hardship and allow her and her husband Kevin to age in place and remain in their home for as long as possible.

Staff and Agency Analysis

Virginia Department of Transportation (VDOT)

VDOT has no concerns.

Fire and Rescue

This request is located within the McGaheysville Volunteer Fire Department and the East Rockingham Emergency Services Station's respective response area. The Fire Marshal's Office has no concerns with the request.

Virginia Department of Health Environmental (VDH)

The applicant must ensure the proposed addition(s) do not encroach upon existing sewage disposal system components and any private well (if applicable). The total number of bedrooms cannot exceed the approved design of the existing sewage disposal system. A permit record issued in 1962 to a Henry Dorman was located at the health department; it shows a sewage disposal system designed to serve a three bedroom home.

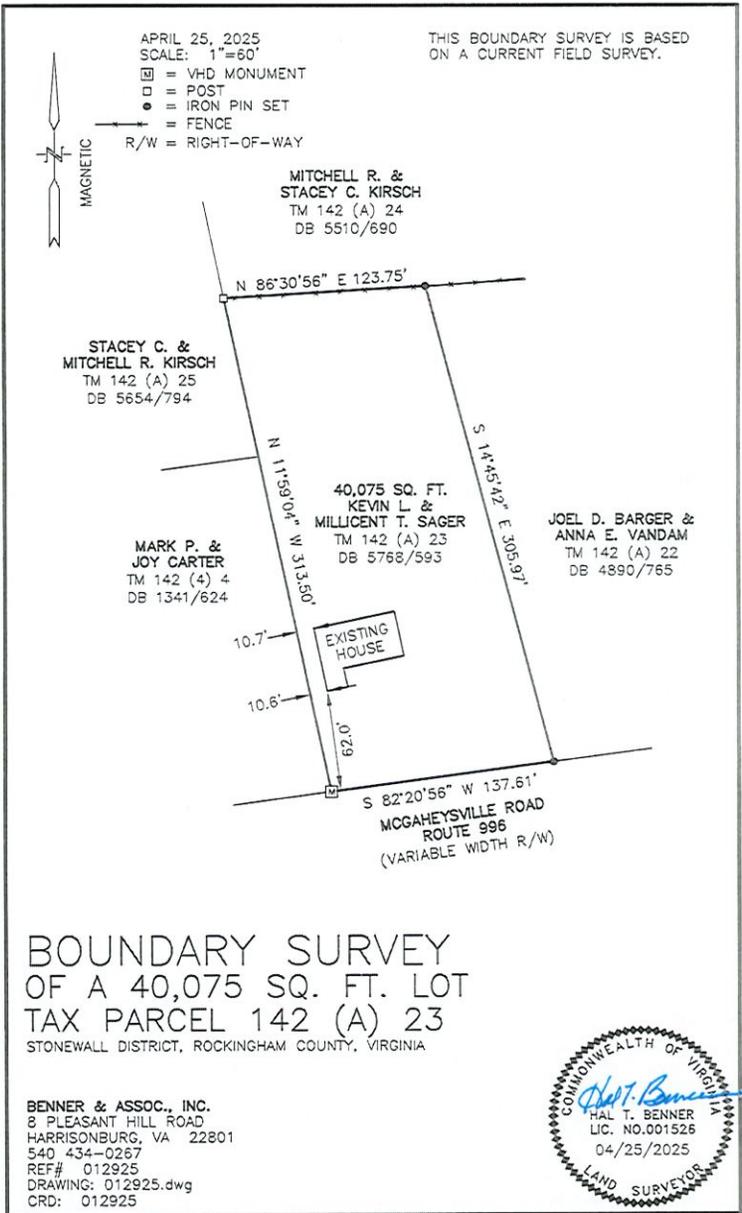
A Safe, adequate, and proper request from the local Building Official will need to be submitted in order for the Health Department to provide a response to the building office concerning use of an existing sewage disposal system for new construction.

From: susiewhettel@comcast.net
Subject: Boundary Survey of A 40,075 Sq. Ft. Lot Tax Parcel 142 (A) 23
Date: Apr 28, 2025 at 10:53:48 AM
To: ksager1422@gmail.com

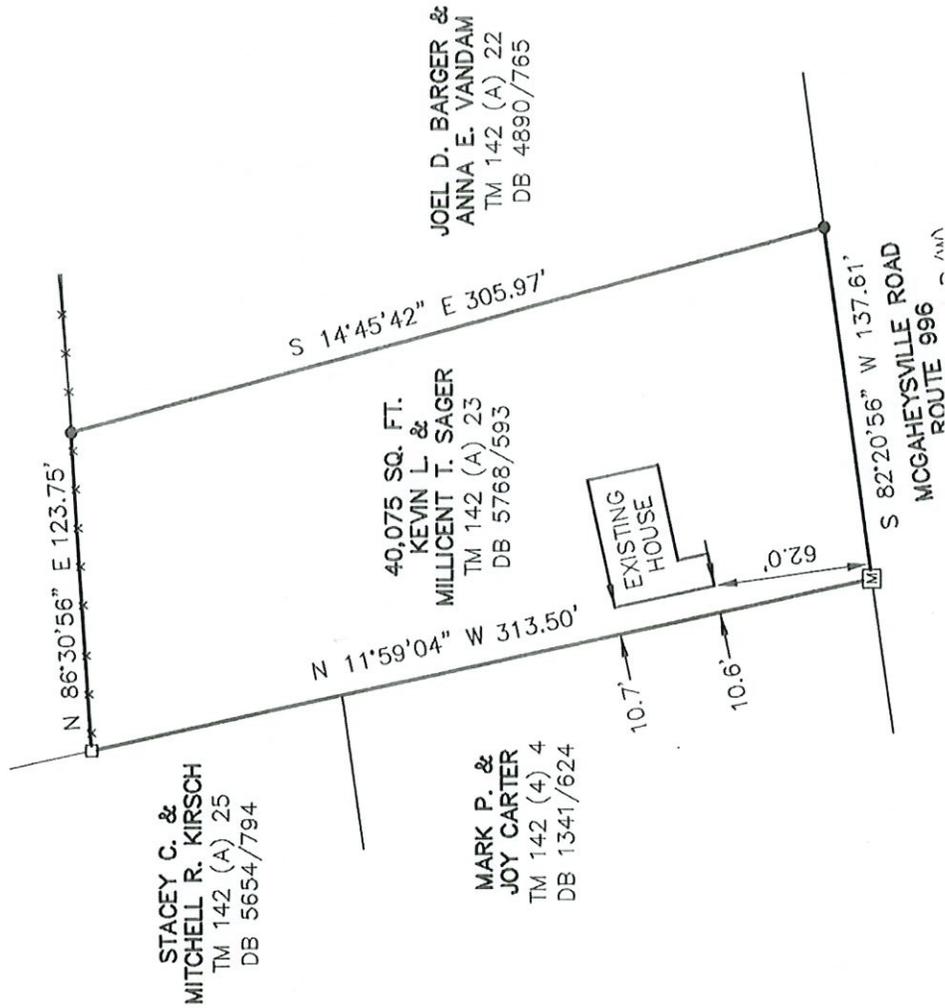
Kevin,

Please find attached the Boundary Survey of A 40,075 Sq. Ft. Lot Tax Parcel 142 (A) 23. Hal asked me to e-mail you the attached plat and let you know that we still need to do stake out. Please do not hesitate to contact Hal with any questions. I greatly appreciate it.

Susie Whetzel
Cadd Technician
Benner & Associates, Inc.
8 Pleasant Hill Road
Harrisonburg, VA 22801
540-434-0267



Boundary Survey of A 40,075 S... Done



SAGER PROPOSED RENOVATIONS
W/ GARAGE ON "OPEN" SIDE OF LOT



10 (feet) SIDEYARD SETBACK
LIMIT: NEED 30" (inch) VARIANCE
DUE TO HARDSHIPS

