

**King and Queen County  
Board of Zoning Appeals  
Minutes  
April 18, 2022**

**MINUTES  
BOARD OF ZONING APPEALS  
APRIL 18, 2022**

The Board of Zoning Appeals (BZA) of King and Queen County met in the King and Queen County Courts and Administration Building, in the General District Courtroom on April 18, 2022, at 6:00 P.M., with public notice having been published in the *Tidewater Review* and *Rappahannock Times* and written notice mailed to interested parties, as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. The following Board members and staff were present:

Ann Marie Voight  
Robert Bland, IV  
Bruce Taylor  
Robert Coleman, Jr.  
Thomas “Tommy” Adkins

Donna Sprouse, Director of Community Development  
Thomas J. Swartzwelder, County Attorney

**IN RE:  
CALL TO ORDER**

Chairman, Mr. Bland called the meeting to order. Mr. Bland asked Mrs. Sprouse to take roll call and determine if there is a quorum. Mrs. Sprouse determined that there was a quorum with all five members present.

**IN RE:  
APPROVAL OF AGENDA**

Mr. Bland stated he would entertain a motion to approve the agenda. A motion was made by Mr. Taylor to approve the agenda as presented, seconded by Mrs. Voight.

*Voting For: Voight, Bland, Taylor, Coleman, Adkins  
Voting Against: None  
Abstain: None*

**IN RE:**

**WELCOME NEWLY APPOINTED MEMBER (THOMAS “TOMMY” ADKINS)**

Mr. Bland welcomed Mr. Adkins to the Board of Zoning Appeals. He asked Mr. Adkins to introduce himself and tell the Board a little about himself. Mr. Adkins thanked Mr. Bland. Mr. Adkins noted that he is a lifelong resident of King & Queen County and lives in the Shanghai District. He noted that he is also the owner of Dragon Run Brewery in Shacklefords.

**IN RE:**

**2022 CHAIR & VICE CHAIR NOMINATIONS**

Mr. Bland asked Mrs. Sprouse to take nominations for BZA Chair and Vice Chair for the 2022 calendar year.

Mrs. Sprouse asked if there were any nominations for Vice Chair for 2022. Mr. Coleman nominated Mr. Taylor as Vice Chair. Hearing no further nominations, Mrs. Sprouse asked if there was a second. Mrs. Voight seconded Mr. Coleman’s nomination for Mr. Taylor as Vice Chair for 2022.

*Voting For: Voight, Bland, Taylor, Coleman, Adkins*

*Voting Against: None*

*Abstain: None*

Mrs. Sprouse asked if there were any nominations for Chair for 2022. Mr. Taylor nominated Mr. Bland as Chair. Hearing no further nominations, Mrs. Sprouse asked if there was a second. Mrs. Voight seconded Mr. Taylor’s nomination for Mr. Bland as Chair for 2022.

*Voting For: Voight, Bland, Taylor, Coleman, Adkins*

*Voting Against: None*

*Abstain: None*

**IN RE:**

**APPROVAL OF MINUTES**

A motion was made by Mr. Taylor to approve the minutes as written, seconded by Mrs. Voight. The August 17, 2020 minutes were approved.

*Voting For: Coleman, Bland, Taylor, Voight*

*Voting Against: None*

*Abstain: Adkins*

**IN RE:  
NEW BUSINESS**

Mr. Bland asked Mrs. Sprouse to please review the request.

Mrs. Sprouse noted that before they start the public hearing, she wanted to ensure that everyone stayed in compliance of 15.2-2308.1 so she asked each member of the BZA if they have had any communications with the applicant, property owner, agent, or staff about the facts of this case outside of this meeting.

Mr. Adkins stated, “no communications”.

Mr. Taylor stated, “no communications”.

Mr. Bland stated, “no communications”.

Mr. Coleman stated, “no communications”.

Mrs. Voight stated, “no communications”.

Mrs. Sprouse thanked the BZA and then presented the following:

**VARIANCE  
VAR22-01**

Kerry D. Quisenberry – *Applicant*

Kerry D. & Sarah B. C. Quisenberry – *Property Owner*

Peter G. Glubiak, Esquire - *Agent*

*Public Hearing Notice provided in the Tidewater Review and Rappahannock Times (March 30<sup>th</sup> & April 6<sup>th</sup>). Adjoining land owner notification provided by certified return receipt on March 28<sup>th</sup>, 2022.*

**BACKGROUND**

The Planning and Zoning Department received an application to the Board of Zoning Appeals (“BZA”) on March 25, 2022 from Kerry d. Quisenberry on behalf of Kerry D. & Sarah B. C. Quisenberry, requesting a variance from Zoning Ordinance, Article 5, Table 5.1, Minimum Dimensional Regulations for Primary Zoning Districts. The applicant wishes to construct a detached accessory structure, more specifically a garage.

**GENERAL INFORMATION**

**LOCATION**

The subject property is located at the intersection of Rt. 721, Newtown Road and Rt. 625, Poplar Hill Road, further identified as 186 Poplar Hill Road, in the Newtown Magisterial District. The property is identified as County Tax Map Parcel No. 1632-77R-146R.

**PROPOSAL**

Mr. & Mrs. Quisenberry requests a variance from Zoning Ordinance, Article 5, Table 5.1, Table of Minimum Dimensional Regulations for Primary Zoning Districts. Their request is to construct a 30’ x 40’ detached garage. Mr. & Mrs. Quisenberry requests the following: (1) a 62-foot variance to allow for a front yard setback of 38 feet for the proposed structure.

**ZONING ORDINANCE**

Pursuant to Zoning Ordinance, Title II, Article 5, Table 5.1 the required front yard setback for primary structures in the Agricultural Zoning District is 100 feet.

TABLE 5.1 TABLE OF MINIMUM DIMENSIONAL REGULATIONS FOR PRIMARY ZONING DISTRICTS				
(1)	(2)	(3)	(4)	(5)
MINIMUM SETBACKS AND BUILDING BULK REQUIREMENTS				
ZONING DISTRICT	MINIMUM SETBACKS <sup>1</sup> (in feet)			MAXIMUM HEIGHT OF BUILDINGS
	FROM FRONT PROPERTY LINE	FROM SIDE PROPERTY LINES	FROM REAR PROPERTY LINE	
A Agricultural	100 feet, except that only 20 feet is required for school bus shelters,	40 feet	25 feet	None
R-R Residential Rural	75 feet	25 feet	25 feet	35 feet
R-S Residential Single-family	75 feet	25 feet	25 feet	35 feet
R-G Residential General	75 feet	25 feet, provided that side and rear setbacks adjacent to properties in any zoning district which permits residential uses shall not be less than 50 feet. See Article 6, Section 3-111(B).		35 feet
LB Limited Business	75 feet	15 feet, provided that side and rear setbacks adjacent to properties in any zoning district which permits residential uses shall not be less than 50 feet.		35 feet
GB1 General Business 1	75 feet	15 feet, provided that side and rear setbacks adjacent to properties in any zoning district which permits residential uses shall not be less than 50 feet.		35 feet
GB2 General Business 2	100 feet	15 feet, provided that side and rear setbacks adjacent to properties in any zoning district which permits residential uses shall not be less than 50 feet.		60 feet
LI Light Industrial	100 feet	50 feet, except for lots, which abut property in non-industrial districts, then 100 feet.		No more than the distance from the base or foundation of the building or structure to the nearest lot line.
I Industrial	100 feet	50 feet, except for lots, which abut property in non-industrial districts, then 100 feet.		No more than the distance from the base or foundation of the building or structure to the nearest lot line.

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Notes: <sup>1</sup> For any lot located within the Chesapeake Bay RPA, the setback requirements shall be determined by the Chesapeake Bay Regulations, Article 12. <sup>2</sup> For front yard requirements for waterfront lots the front yard setback for accessory buildings is fifty (50) feet from the road frontage. A front yard buffer may be required unless waived by the Zoning Administrator as not necessary. The site drawing and accessory building architecture must be approved by the Zoning Administrator to ensure that the proposed accessory structure is compatible and consistent with other buildings in the area. <sup>3</sup> For Government Offices/Fire/Rescue/Police Stations, setbacks may be reduced for the expansion of or new construction of any fire & rescue building, provided that the proposed building or addition is no less than 50' from the front property line and 15' from the side and rear property lines. Otherwise, a variance must be approved by the BZA.				

**ZONING**

The property is zoned Agricultural (A). The property is considered a corner lot, as it has road frontage on both Newtown Road (Rt 721) and Poplar Hill Road (Rt 625). According to Article 6, Section 3-112C, “The required front yard on a corner lot shall be observed on the frontage having the lesser dimension... The minimum side yard on the side facing the side street shall be 25 feet or more for both main and accessory buildings.” Based on the survey of record (included here in your packet) the front property line runs parallel to Rt. 625, Poplar Hill Road.

According to Article 6, Section 3-114C “Accessory buildings shall not be constructed in a front yard on a lot that is three acres or less, except on waterfront lots as provided in footnote 2 of Table 5.1. An accessory building may be constructed in a front yard on a lot that is more than three acres, provided that the requirements for front yard setbacks in article 5, Table 5.1 are met and in conformity with all other applicable provisions of this ordinance.”

**BOARD OF ZONING APPEALS SUMMARY**

According to Section 3-462(B)(2) of the Zoning Ordinance, a variance may be granted when the property owner demonstrates the property was acquired in good faith and (a) the exceptional size or shape of the property existed when the Zoning Ordinance became effective [8-12-1986]; (b) due to physical conditions of the property, or the use or development of an adjoining property, strict application of the terms of the Ordinance

effectively would prohibit or unreasonably restrict use of the property; or (c) where the BZA finds that granting the variance would alleviate a clearly demonstrable hardship approaching a “taking,” as opposed to the applicant seeking a special privilege or convenience.

Per Section 3-462(B)(3), the BZA may grant the variance if it finds that (a) strict application of the Ordinance would produce an undue hardship; (b) the hardship is not shared generally by adjoining properties; and (c) granting the variance will not be substantially detrimental to adjoining properties, and the character of the district will not be changed by granting the variance.

Mrs. Sprouse reminded the board that should the variance be approved, it shall be good for one year from the date of approval.

### **3-467 Lapse of Special Exception or Variance**

*“A special exception or variance granted by the Board of Zoning Appeals shall lapse and be of no effect if, after the expiration of one (1) year from the date of such action by the BZA, no construction or charge in use pursuant to such special exception or variance has taken place; provided that the BZA may, for good cause shown, specify a longer period of time in conjunction with its action to grant a special exception or variance.”*

### **STAFF RECOMMENDATION**

The applicant/owner has provided in their variance application submission, a hand drawn site plan identifying alternative options (not at the request of staff) for the proposed accessory structure. Both of these alternative locations would clearly meet the required setbacks as prescribed in the King & Queen County Zoning Ordinance. They have on their own free will, demonstrated that there are options for this proposed structure that would easily meet the requirements of the Zoning Ordinance. Though the landowner may consider the relocation of existing fencing and VDH septic system separation requirements an inconvenience in order to accommodate the proposed structure as shown as alternative locations, it can be done. Approving such a variance on a parcel that has ample area for construction outside of the required setback(s) will set a precedence for future applications. In regards to the historic nature of the area, one could argue that the structure shouldn't be built at all if there is concern that the location of such structure will have a negative impact to the historic nature of the area. The parcel is large in size/acreage, open in nature (in fact the parcel is a rectangle shape), and the land is relatively flat. There are no exceptional topographical conditions or other extraordinary situations or conditions that would prohibit the development of the property within the limitations of the Zoning Ordinance. Staff recommends that that variance request be denied. If the variance is denied, the applicant may then, through our administrative review process, apply for a new zoning review using one of the two

alternative locations as provided by the applicant/property owner here in the variance application submission packet.

Mr. Bland opened the public hearing and asked if the applicant wished to speak.

Mr. Peter Glubiak, counsel for property owners Kerry & Sarah Quisenberry approached the podium and stated that he represents the Quisenberry's and resides at 4049 Canterbury Road in the Walkerton area of the County. He noted that many years ago, he sat as a BZA member for King & Queen County. He also noted that he knew most if not all of the members on the Board. Mr. Glubiak handed out a document to each member and provided staff a copy for the record. Mr. Glubiak stated that he will turn it over to property owner Sarah Quisenberry to explain the alternative options and the issues for each.

Mrs. Sarah Quisenberry approached the podium and stated that she was the property owner and resides at 186 Poplar Hill Road. She stated that she respectfully requests the variance to construct a garage that will be used to store her husband's Oldsmobile car and will be used as a workshop for her husband to work in as well. She noted that they both are retired, she and her husband. They purchased the property in 2006 to be their retirement home. They try to be good stewards of the home and the land. They have made multiple improvements to the home over the years. The property is approximately 7 acres. The home is about 30 feet off of Poplar Hill Road. There are outbuildings on the property and has approximately 6 acres of open pasture land. She noted that they had purchased solar panels to go on another outbuilding on the property, however they were informed that they couldn't do that. They do not want to put the solar panels on the historic home, so they intend to place the panels on this proposed building. They don't wish to take away an acre of open productive pasture land. She noted they only have horses in the pasture right now. They do not know what future owners may want in the pasture, years ago the prior owner had cattle in the pasture; therefore, they do not wish to breakup the pasture. She noted that they had asked Pete Glubiak to help them with the request and he has provided them with various cost estimates for the alternative sites, as well as an aerial photo of multiple sites they have looked at. She feels that this site she is seeking approval for, would be most efficient, cost effective, and most convenient for us, as well as provides us the maximum open pasture for future owners. Mrs. Quisenberry noted that having the building 38' from the road will allow a lesser area of pasture removal. She noted that it minimizes the electrical trenching needed to connect to the roof mounted solar panels on the building to the existing electrical panel on the end of the home. One of the options that they have looked at once they were informed that they needed to be 100' from Poplar Hill Road with the proposed structure, is to simply move the structure as shown as the preferred site and shift it 62 feet to the west so that it meets the 100' front setback. To do this, she says that it is going to cost them an additional \$21,000 which also will increase the taking of the pasture land. To move the structure, she noted that it would cut approximately an acre out of the pasture land. She added that the other option, which was their original placement for the structure, was near their other out buildings on the property. She noted that this particular area wouldn't work because of the septic location in that area, which would require them to relocate their septic field.

Mrs. Voight asked for clarification because she was confused by what she was looking at in the handout provided by Mr. Glubiak. She said that the first sheet talks about Option 1 and Option 2 but the aerial sheet (second sheet) references alternative 1 and alternative 2. Mrs. Quisenberry noted that it was very confusing because her drawing (second page) is flipped and that there are multiple options shown. She explained that option 1 on the first sheet corresponds with alternative 2 and that option 2 corresponds with alternative 1 on the second sheet.

Mrs. Quisenberry continued and noted that if they went with alternative option 1, they would need to relocate their septic field, remove and relocate the fencing and carve out more of the pasture. She noted that doing this would cost them almost \$40,000 more. She noted that they also looked at moving the building about 180' off of Poplar Hill Road however they would need to install a knee wall because the ground is not level. She included that it's a little wet in that area as well, and would need to add additional gravel. Doing this would cost an additional \$30,000 if they decided on that option. She concluded that she could not help that the house on the property is 30' from the road. They want to be close to the home with the new building and minimize the taking of the pasture area. She said it would not only be more efficient at 38' from the road, but more economical as well.

Mrs. Quisenberry thanked the board for their time and consideration of their request.

Mr. Taylor asked if they had one horse. Mrs. Quisenberry noted that they had 3, however they lost one, so they now have 2 horses. Mr. Taylor noted that he had rode up by the property to look at the site and had seen one horse and did not know if they had any additional horses.

Mrs. Voight asked Mrs. Quisenberry if the driveway that is shown on the plans is a construction driveway or existing driveway. Mrs. Quisenberry noted that it was a newly proposed driveway that VDOT has already permitted. She noted that it would be graveled so they can get the car in and out of the garage.

Mrs. Voight asked if the other shed on the property could be replaced with the new building. Mrs. Quisenberry noted that they use the existing shed for other things and therefore they cannot remove it. She added that she doesn't want to remove the barn as well.

Mr. Taylor asked if they had already moved the fence line for the new driveway. Mrs. Quisenberry confirmed that they have moved the fence for the driveway. Mr. Taylor noted that it appears to him that they already loss some of the pasture, about 1.5 to 2 acres for the new driveway. Mrs. Quisenberry noted that its not that much but what they have already taken up for the driveway will be all that is removed. She noted it can be moved again if they need to.

Mrs. Voight noted that the proposed building could go in the alternate 1 or alternate 2 locations, or really anywhere else on the property in the field. Mrs. Quisenberry confirmed by stating "yes".



Mrs. Voight asked about access off of Poplar Hill Road for the garage. Mrs. Quisenberry noted that it would be hard to do as there is a 5-foot embankment on Poplar Hill Road.

Mrs. Voight asked if they could extend their current driveway to avoid the drainfield. Mrs. Quisenberry responded that they could, but it would be curved and wonky to get around it. Mrs. Voight noted that if they were using it once a week as they had stated, could they avoid the drainfield.

Mr. Glubiak noted that he would like to ask his client a few questions.

Mr. Glubiak asked Mrs. Quisenberry if it was fair to say that her goal or the plan is to minimize the pasture that they would lose.

Mrs. Quisenberry replied "correct".

Mr. Glubiak said that the secondary reason is that because of the cluster of the house, barn, and shed and everything else, going through there becomes prohibitive and costs an excess of \$21,000.

Mrs. Quisenberry replied, "Yes, it would cost more and take more pasture."

Mr. Glubiak asked that she does in fact have a permit from VDOT for her entrance off of Newtown Road.

Mrs. Quisenberry replied, "yes".

Mr. Glubiak noted that he agreed with Mrs. Quisenberry that there is no other option off of the road that she is aware of.

Mrs. Quisenberry replied "no".

Mr. Glubiak stated that was all of the questions that they have and that Mrs. Quisenberry will be glad to answer any questions that they may have.

Mr. Bland opened public comment period for VAR22-01 and asked if there was anyone in the audience that would like to speak.

Mr. Robley Bates M.D., noted that he owned the home across the street from the Quisenberry's. He said that the current Quisenberry home was his grandfather's home, the home which his father was born. The home in which he owns across the street was once his great great-grandfather's home, so he has a very invested interest in the community. They have tried to be very good stewards of the property over the years. This structure really bothers me not only because of the old adjective that they throw around in the Zoning communities, "not in my back yard", its in the front of our town. This building is a 30' x 40' metal structure, brightly colored, with solar panel roof. Not the most interesting looking building, smack in the middle of the pasture in the middle of the town. 38' from the road is pretty close to Poplar Hill Road, which is the road we are

on ourselves. My consideration is that they go back to their original plan, which he thought was a good one. He added that they should go behind the old buildings, extend their existing driveway that had been there 100 years past the end of the septic field. They have room to do that, the building will be back from the road, tucked away and it would not stick out like a sore thumb, as they describe now. They will have plenty of sunlight there from what he could remember growing up across the street, for the solar panels. They wouldn't have to worry about access because they have the old driveway off of the existing roadway. He added that the proposed new entrance off of Newtown Road is probably the busiest thoroughfare through the County. Cars, trucks, school busses go through there all the time. It is known to be a very hazardous intersection. To have the entrance off of Rt 721 at the intersection would be very unrealistic. It just doesn't make any sense. These reasons that they state as to why they cannot use alternative 1 or 2 are really not good enough reasons to grant them a variance. It is not a real good footing. He would think that such a variance would be not a welcome type of situation in terms of establishing a precedent for future variance applications. He thought it would be a situation where everyone would be referring back to the Quisenberry case for a variance, with not much to go on. He thought it would not be desirable for the county to have that situation. The variance, well is the key thing on that basis. The second is that the proposed entrance off of Newtown Road is very dangerous. The third is more of the historic nature of the town of Newtown. The houses there go back to the 1800's and it's a historic district. It's been a historic district since they had it declared a historic district in 1981. He would hate to see all this changed, to see this lovely pasture by the insertion of this large metal peculiarly colored building with solar panels on top, when it can be placed in the back at the tale end of the septic field. They may need to trench more there to the other side of the house where they have their electrical panel but all of those things need to be tended to when you have personal project that you want. You need to think of the community too, and not just your personal preferences. I would like for them to reconsider their original proposal and the board to consider that as the best alternative, back on the existing driveway behind their horse barn. We need to think about the community and not just what the landowner wants and how much it's going to cost them and what they are going to have to go through. He thanked the board and said that was all that he had to say.

Mrs. Voight said that she had a question for Mr. Bates. Mrs. Voight said that in Mr. Bates email to the Board, he referenced the original site, which option is that on the sketch. Is the original site, the site behind the barn? Mr. Bates noted as he understands it, the original location was where Mrs. Voight was pointing. (She was pointing in the area of the cluster of existing outbuildings) Mrs. Quisenberry noted that they did originally want to put the building in the area of the other outbuildings. Mrs. Voight asked Mrs. Quisenberry when she changed her mind from that original location? Mrs. Quisenberry responded when they realized the septic field was across there. Mr. Bates noted that if you look at that sketch, they could go further beyond the septic field as there is a lot of space back there. He noted that he knows because he grew up there and he knows the property well. He said there is a lot of sun there.

Mrs. Voight asked Mr. Swartzwelder if someone could drive over their septic field. Mr. Swartzwelder responded that it may or may not be. That would be a Health Department issue.

Mr. Adkins said that he could speak to the septic question. You can but you would have to install safeguards on the system. The key is that the soils can absorb the water from the system. He noted that he knows from experience that you could have up to 100 cars a day passing over certain parts of a septic system. One car is not an issue.

Mr. Bates noted that the intersection at Newtown is a very bad intersection. That they have had fatalities there.

Mr. Taylor noted that in the area of the intersection there is a reduced speed limit there from 55 to 45.

Mrs. Voight said that even if the Quisenberry's only plan to use the entrance off of Newtown Road once a day, the next owner may use it more frequent.

Mrs. Voight also noted that the solar panels could be ground mounted, that the building location does not determine the location of the panels that they want.

Mrs. Voight said there are other viable options, correct Mrs. Quisenberry?

Mrs. Quisenberry responded, yes there are other options but it would use their pasture and pocketbook, but yes there are lots of options on 7 acres. However, every option is farther from the house.

Mr. Bates noted that their pocketbook is one thing, but the community is another thing. I think they need to think of the terms of other people rather than just their pocketbook. I don't think that is a good precedence, it's a terrible precedence to grant someone something on that frivolous basis is a big mistake. You would be very overburdened with many applications and \$700 fee to get a variance for something, like a chicken coop in some ways.

Mrs. Voight noted that she is trying to see the whole picture.

Mr. Bates said that is good, but it just doesn't fit here. The location behind the outbuildings is more suitable. If it takes more to trench in that location, he offered to help take care of the cost of trenching to bring it around the side of the house. Trenching couldn't cost that much. It's not the biggest hurdle.

Mrs. Quisenberry noted that there isn't enough room as they building must be 25' from the side property line, Donna could correct me if wrong.

Mrs. Sprouse noted that detached accessory structures in the Agricultural zoning district must be a minimum of 5' from the property line, if single story. She explained that it

would be 25' from a road on a corner lot. For example, it would need to be 25' from Newtown Road if built on that side of the property.

There was discussion between Mr. Bates, Mrs. Quisenberry and Mrs. Voight regarding their existing entrance and Mr. Bates entrance as to if it were safe or not.

*"Note: People are talking over one another that you cannot make out the discussion on tape."*

Mrs. Voight asked if the existing entrance on Poplar Hill Road can be relocated somewhere else. Mr. Glubiak responded that it cannot, as he is not sure that it would receive approval now due to lack of sight distance. He wasn't sure that VDOT would issue a permit for their current entrance.

Mr. Bates noted that there is nothing wrong with their existing entrance, a blind man can do it. He further stated he lived there; he grew up there. He has a house across the street and they are little precarious but will not be as bad as the entrance going out on Newtown Road at that intersection.

Mr. Glubiak asked if he could ask for a 5-minute recess to speak with his client.

Mr. Bland said to let them finish public comment. He asked if there was anyone else that wished to speak.

Hearing no further public comments, Mr. Bland closed the public comment period.

Mr. Glubiak asked if he and his client could take a 3-minute recess. Mr. Bland agreed to a 3-minute recess. Mr. Bland called for a 3-minute recess.

*"Note: the only persons to leave the court room were Mr. Glubiak, Kerry Quisenberry and Sarah Quisenberry."*

Mr. Bland called the meeting to order after the 3-minute recess.

Mr. Glubiak thanked Mr. Bland and said that they have put forth their case and have no further questions.

Mr. Bland closed the public hearing and asked the Board if they had any questions for the applicant or staff.

Mr. Bland asked if any of the board members had any more questions for staff or the applicant.

Mr. Coleman noted that he didn't have any questions, but he did have a few comments when they got to that point.

Mr. Bland noted that if there are no questions, Mr. Coleman please provide his comments.

Mr. Coleman noted that he went out to look at the property and he noticed how close the house is to Poplar Hill Road, which he knew had been there a lot of years. He was concerned that adding another structure close to the road may have some interference at a later date when the road could be widened. He does know from experience, at the intersection when you leave Poplar Hill Road to come out onto Newtown Road, its limited visibility and that is a challenge for any vehicle entering Newtown Road. When he had driven up Newtown Road to the Newtown Post Office to turn around and come back, it appeared to him that the land in the pasture where the fence is, is pretty flat. It seemed to him that it would be very achievable to move the building 100 feet off of Poplar Hill Road and keep it in a flat proximity with the rest of the property. Also, a 30 x 40 building would not take up an acre of the pasture as someone noted, that it would cause them to give up another acre. He knows that the apron on the front of the proposed building and a 30 x 40 garage, he didn't think would eat up an acre of pasture land. He feels that it would be reasonable to use either option 1 or option 2 and not create an undue hardship to the owners. Option 2 would be more favorable to him because the power line comes in on the Newtown Road side of the existing structure and that would be a closer proximity to connect it to the solar panels if they decided to put them on their garage.

Mrs. Voight noted that she thinks he means option 1 or alternate 2, as the front sheet doesn't match the second sheet (sketch) provided.

Mr. Coleman said that the location closer to Newtown Road would be a better proximity to connecting the power lines to the existing structure and it would be a very limited intrusion into the pasture. He feels that option to have the building 100 feet off of Poplar Hill Road would give them the same capability as they would have if they chose their preferred location. Mr. Coleman noted that he was not in favor of granting the variance.

Mrs. Voight noted that she is not in favor of the alternative 2 location because of the driveway coming out onto Newtown Road onto a busy road and as Mr. Bates said, unless its covered by shrubbery or something its still going to impact the character of the community. Whereas the one behind the house seems like it would be hidden behind the trees and it would be a matter of them using the same existing driveway and extending a little bit of the gravel.

Mr. Bland noted that the only thing that the board is to consider is the 100' setback encroachment, as they may pick which ever place that they want to put it.

Mr. Coleman said that it was not their place to determine if they can bring out a new driveway out onto Newtown Road.

Mrs. Voight agreed that they are only to consider the preferred location in the setback and will not determine the alternate locations.

Mr. Bland asked if Mrs. Voight had any other questions. Mrs. Voight replied that she was good.

Mr. Bland said in regards to VAR22-01, he needs a motion and a second either for or against the variance. He noted that he would like to remind the board that to have a motion to approve the variance, they need to make sure that they can make all of the required findings as Donna had stated earlier. A motion to deny the variance, they would need to state which of the findings they have found.

At this time Mr. Bland asked for a motion from the board.

Mrs. Voight noted that she would like to make a motion to deny VAR22-01 in the name of Kerry D. & Sarah B. C. Quisenberry as she cannot find the following findings:

*“-where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of this Zoning Ordinance;  
-where by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or the use or development of property immediately adjacent thereto, the strict application of terms of this Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the property;  
-that the strict application of this Zoning Ordinance would produce undue hardship;  
-that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and  
-that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.”*

The motion was seconded by Mr. Adkins.

*Voting For: None  
Voting Against: Coleman, Bland, Taylor, Voight, Adkins  
Abstain: None*

VAR22-01 was denied with a 5 to zero vote.

**IN RE:  
BOARD MEMBER COMMENTS**

None

**IN RE:  
STAFF COMMENTS**

None

**IN RE:  
ADJOURN**

Hearing no further comments, a motion was made by Mr. Taylor to adjourn the meeting. The motion was ratified by all present members stating "Aye".

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Robert Bland, IV, Chair