

**County of Spotsylvania
Board of Zoning Appeals
Public Hearing**

The meeting of the Spotsylvania County Board of Zoning Appeals was held in the Board of Supervisors Meeting Room, located in the R. E. Holbert Building on July 18, 2016.

Members Present: Mr. Ronnie Hilldrup, Chairman, Salem District
Mr. Mark Stepongzi, Vice-Chairman, Chancellor District
Mr. Dennis Buchanan, Secretary, Berkeley District
Mr. Alfred Altman, Livingston District
Mr. Richard Stuchell, Battlefield District

Members Absent: Mr. Larry Bramlette, Courtland District
Mr. Peter Kolakowski, Lee Hill District

Staff Present: Mr. Rick Roberson, Deputy Zoning Administrator
Ms. Mary Chewing, Zoning Assistant

The attached minutes were provided by Commonwealth Court Reporters of Fredericksburg, Virginia by Colleen Good, Certified Court Reporter and Notary Public in and for the Commonwealth of Virginia.

The minutes were reviewed and approved by the Board of Zoning Appeals on the date listed below.

 (SEC)
Board of Zoning Appeals, Secretary-Dennis Buchanan

Date: 9.19.2016

In The Matter Of:

*Spotsylvania County Board of Zoning Appeals
Case V16-0002 Michael Quinn and Michelle Quinn Trust*

June 20, 2016

 ORIGINAL

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1 COUNTY OF SPOTSYLVANIA
2 BOARD OF ZONING APPEALS
3 PUBLIC HEARING
4

5 Case Number:

6 V16-0002-Michael Quinn & Michelle Quinn, Trust -
7 Michael Quinn & Michelle Quinn Family Trust.
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12 The monthly meeting of the Spotsylvania County
13 Board of Zoning Appeals was held at the Richard E.
14 Holbert Building, Board of Supervisors Meeting
15 Room, 9104 Courthouse Road, Spotsylvania, Virginia
16 on Monday, June 20, 2016 at 7:30 p.m., before
17 Colleen Good, Certified Court Reporter and Notary
18 Public in and for the Commonwealth of Virginia.
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21
22

1 MEMBERS PRESENT:

2
3 Mr. Richard Stuchell-Chairman, Battlefield District

4 Mr. Mark Stepongzi-Secretary, Chancellor District

5 Mr. Dennis Buchanan, Berkeley District

6 Mr. Peter R. Kolakowski, Lee Hill District

7 Mr. Larry Bramlette, Courtland District

8 Mr. Alfred S. Altman, Livingston District

9
10 MEMBERS NOT PRESENT:

11 Mr. Ronnie Hilldrup-Vice-Chairman, Salem District

12
13 ELECTIONS AND NEW BOARD:

14 Mr. Ronnie Hilldrup-Chairman, Salem District

15 Mr. Mark Stepongzi, Vice-Chairman, Chancellor

16 District

17 Mr. Dennis Buchanan, Secretary, Berkeley District

18
19 STAFF PRESENT:

20
21 Mr. Rick Roberson, Assistant Zoning Administrator

22 Ms. Mary Chewning, Zoning Assistant

1 P-R-O-C-E-E-D-I-N-G-S

2
3 MR. STUCHELL: The Chair now declares the
4 June 20, 2016 meeting of the Spotsylvania County
5 Board of Zoning Appeals now in session.

6 Welcome to the Spotsylvania County Board
7 of Zoning Appeals meeting. I am Ricky Stuchell
8 Chairman of the Board of Zoning Appeals and
9 represent the Battlefield District.

10 The Board members seated before you
11 represent six of the voting districts within
12 Spotsylvania County.

13 The members present are Mark Stepongzi,
14 Secretary, representing the Chancellor district;
15 Dennis Buchanan, representing the Berkeley
16 district; Larry Bramlette representing the
17 Courtland district; Alfred Altman representing the
18 Livingston district; and Peter Kolakowski
19 representing the Lee Hill district.

20 The next portion of the agenda was
21 supposed to be the election. We're going to go
22 ahead and move that to the end of the meeting this

1 evening after new business.

2 Before proceeding to the public hearing
3 portion of the meeting we have a few items on the
4 agenda to take care of. The first thing will be
5 the approval of the prior meeting minutes. Did
6 everyone receive a copy of the minutes from the
7 last meeting? Does anybody have any corrections?

8 MR. STEPONGZI: Yes, Mr. Chair, my name
9 is misspelled in four locations in the document.
10 It should be Stepongzi. The misspellings are
11 located on page 21, line 9, page 22, line 1, page
12 50, line 10, page 67, line 7.

13 MR. STUCHELL: Thank you. Any other
14 corrections?

15 MR. KOLAKOWSKI: Mr. Chairman, I have two
16 that I'd ask the court reporter to look at to see
17 if the words were incorrectly transcribed. I have
18 one, that's on page 41, line 12. The word bepo is
19 put in there, but it should be capitalized BPOL,
20 clearly delineate what the tax is that the
21 applicant was talking about.

22 And then the other two, which I can

1 provide to the court reporter was on page 63, where
2 it said was, and I think it should be were. It's
3 line 17. Page 74, line 22 the word is motion, and
4 I believe the person moved the action. So I would
5 just ask her to just double check the tape
6 recording to make sure that the minutes are
7 accurate.

8 MR. STUCHELL: Would we like to hold
9 those over until the next meeting to approve them
10 with any corrections?

11 MR. ROBERSON: Mr. Chairman --

12 MR. STUCHELL: Yes.

13 MR. ROBERSON: If I may, what will happen
14 with these corrections, is that those corrections
15 will be made in house. My staff will make those
16 corrections, and we would report back to you that
17 those corrections have been made, unless you
18 specifically want a copy, fresh copy with a line
19 struck with initial correction in these minutes.

20 MR. KOLAKOWSKI: Mr. Chairman, we can go
21 ahead and approve the minutes with corrections this
22 evening.

1 MR. STUCHELL: Do we have a second?

2 MR. BUCHANAN: Second.

3 MR. STUCHELL: Any further discussion?

4 All in favor?

5 (All Board members responded in the affirmative).

6 MR. STUCHELL: Those opposed? So moved.

7 Thank you.

8 Okay, this will be the procedure for the
9 public hearing this evening; all comments are to be
10 directed to the Chairman of the Board. There is
11 not to be any conversation between those in favor
12 and those opposed. Everyone speaking will present
13 their case from the podium. Please state your
14 name, address and the case number for the record.

15 The case number is V16-0002. If you do
16 not know the case number at the time, you can ask
17 and we will get it to you. There are sheets up at
18 the podium at the front.

19 Applicants or their designated
20 representatives will be given an opportunity to
21 present their case. The applicants case is
22 presented first after which opportunity will be

1 given for anyone to speak in favor of the request
2 to present their views as well, then to the
3 opposed, followed by the applicant's rebuttal.

4 People speaking are asked to refrain from
5 repeating what has already been said by other
6 speakers. This will be the procedure for the
7 public hearing this evening.

8 The BZA can either vote the case this
9 evening afterwards or delay for up to 30 days. The
10 applicant can remain for that process or leave and
11 be notified by mail by the BZA's decision.

12 Mr. Roberson, could you please present
13 the case?

14 MR. ROBERSON: Yes, sir. Tonight we have
15 V16-0002, Michael Quinn and Michelle Quinn Trust,
16 Michael and Michael Quinn Family Trust. The
17 applicant or the property owner is requesting a
18 variance or variances of the Spotsylvania County
19 Zoning Ordinance Section 23-5.2.2 (3) and (a) as
20 follows, in pertinent part: Agricultural and rural
21 districts, (A-2, A-3 R-A, RU). Fences and walls
22 may be constructed to a maximum ten (10) feet in

1 height in any rear yard or side yard, and four (4)
2 feet in height in any front yard, except within the
3 site triangle, and except as otherwise allowed for
4 agricultural uses. Front yard is defined as
5 follows: Yard, front means a yard extending across
6 the full width of a lot and lying between the front
7 lot line and the principle building. The owner
8 seeks to allow a side yard wooden privacy fence 10
9 feet in height to remain along the full side
10 property line including a small portion in the
11 front yard of the home (principle building).

12 The owner seeks a second variance to
13 allow a small shed to remain as located adjacent to
14 the side yard fence at a zero side yard. Section
15 23-5.2. (7) and (B) requires any residential
16 accessory building (shed) to be located no closer
17 than ten (10) feet from the rear or side lot lines.

18 The property is located at 10502 Big Horn
19 Drive in the Deer Run Subdivision. The property is
20 zoned RU and is known as Tax Map Parcel 22U 001
21 parcel 5 and is located in the Livingston Voting
22 District.

1 MR. STUCHELL: Thank you, Mr. Roberson.
2 Would the applicant or the representative of the
3 case please come up to the podium and present your
4 case.

5 MICHELLE QUINN: Good evening, gentlemen.
6 My name is Michelle Quinn. I reside at 10502 Big
7 Horn Drive, it's the residence that is part of this
8 hearing, V16-0002.

9 I'm joined by Michael Quinn and Rachel
10 Quinn and Renee Merrell, who is our backyard
11 neighbor who has a property line that extends the
12 length of our backyard and also the length of our
13 neighbors, our other neighbor's yard, Terrance
14 Blunt.

15 So first I really want to thank you. I
16 apologize for taking your time on this issue this
17 evening. Michael and I have been residents of
18 Spotsylvania County since 1989. We've raised
19 five kids in this county. We had hoped to retire
20 here, so we're proud residents and we try really
21 hard not to trouble either the County, the special
22 boards or the sheriff's department or anything like

1 that.

2 But at this juncture we are asking I
3 think, from what I understand you have been to our
4 property. We have been residents at the current
5 property since 2004. In all candor the
6 relationship with our adjacent neighbor on the side
7 property line has been troubled since 2004, from
8 difficulties with whether a garage should have been
9 built, over the size it was built. The homeowner's
10 association wouldn't have allowed for that, but our
11 builder went out of business, so it kind of stopped
12 that.

13 We've had a difficult, tense, fractious,
14 sometimes violent relationship with our neighbor.
15 It's been difficult continuously since 2004.
16 Michael is a retired FBI agent so he doesn't take
17 law enforcement issues lightly, and so we've done
18 our best to kind of manage the issue.

19 I did send pictures in the file. The
20 predominate reason that we've asked for the fence
21 or that we built the fence in the first place in
22 2007 was that from 2004 to 2007 we worked with the

1 Blunt's, we asked the Blunt's to please kind of
2 constrain either certain activities or the
3 construction of the garage or behaviors with double
4 axle dump trucks coming up and down on high speeds
5 when we had young children that were still on
6 tricycles and big wheels.

7 None of that really bore any fruit. It
8 became increasingly tense, and then there were
9 disagreements even about where the property line
10 was, as things were put over the property line and
11 garden sheds and garden tractors and trailers were
12 put well over the line.

13 So in 2007 we built a fence, and we did
14 build it at a heighth of 10 feet, in large part
15 because of the all the activity that was happening
16 on the other side of the property where Mr. Blunt
17 resides. And I sent, as I've mentioned, you know
18 when I took pictures or took them off of, off of
19 Google Earth, you know, in the spring, in March and
20 April, they show 23 vehicles, 6 boats, several
21 garden trailers, a step van, a double axle dump
22 truck, that shows kind of part of what is there.

1 In addition, Mr. Blunt, I'm certain he's
2 a very hard worker and he is probably a jack of all
3 trades but he retains, you know, rusty scaffolding,
4 more ladders than a family could possibly use, dump
5 trucks, wheelbarrows, big paint container.

6 So the whole area on the side yard is a
7 constant, constant almost a health department kind
8 of level of filth. Grass is often uncut and, but
9 more to the point, the reason that we built the
10 fence, and we built the fence to the height we did
11 was because we just felt we needed a buffer for our
12 privacy or our safety and our security.

13 You've seen I think when all of this
14 started again, this spring, Mr. Blunt -- I think it
15 was April 10th -- and Michael and I were walking
16 the back property line because we heard
17 construction. We were wondering what was
18 happening. We didn't go on Mr. Blunt's property,
19 we have never gone on Mr. Blunt's property.

20 We were walking on Renee's property and
21 we were seeing a lot of the vehicles and a lot of
22 boats and things. We didn't actually see anything

1 being moved but we saw a bunch of pine trees being
2 snapped down and broken, maybe clearing an area to
3 put some vehicles.

4 But even seeing us agitated Mr. Blunt so
5 much that he began to follow us on the property
6 line and this vignette is kind of what we have been
7 going through since 2004.

8 He followed us along the property line.
9 My husband is 6 foot 4. He yelled obscenities at
10 us. He used the F word 7 or 8 times. He accused
11 us of being racist. He told us that he would get
12 back at us. He told us that we needed to mind our
13 own F'ing business.

14 He said that white people like us don't
15 believe that N people like him should live in a
16 neighborhood like this. He kept taunting us to use
17 that word.

18 I'm the daughter of an army Colonel and a
19 law enforcement officer. My father would have
20 spanked my behind into next week if I ever used
21 that kind of language. It's not how we are. It is
22 not why we have had trouble with Mr. Blunt. It has

1 nothing to do -- and I am frustrated that it has
2 become kind of a racial issue because it shouldn't
3 be.

4 This is all about having bought a home
5 where we thought we were going to grow old, raise
6 our kids, retire in Spotsylvania County, having
7 some expectation of what a residence would be like,
8 and it's not been that. It's been kind of
9 heartbreaking for us.

10 But on this instance on April 10th he
11 then proceeded to tell me that I better look out
12 because he had talked to the County and he was
13 going to force us to take down our fence, that some
14 part of it, a small part of it was taller than it
15 should be and that he was going to watch me and my
16 daughters swimming in our pool, and how are you
17 going to like that?

18 And so I think that some of what he does
19 is intentional. It is daunting to me. It's
20 upsetting to me. I don't want to have to call the
21 sheriff's department every time we get threats,
22 every time he plays prurient music on a Saturday

1 that is obscene in lyrics or we have this kind of
2 tussle.

3 I'd like to keep my fence up as I said
4 for a, as a buffer for our privacy, our security
5 and our safety.

6 So that's my request tonight and I thank
7 you all for your time. I don't know if Renee was
8 prepared to speak or any of the others that came.

9 We also have neighbors across the street,
10 the Thompson's, and they also, I think perhaps, I
11 believe only three people can see the fence, the
12 Merrill's, the Quinn's and the Blunt's.

13 RENEE MERRELL: Only three people can see
14 this fence. The Merrill's and the Quinn's agree it
15 should stay up.

16 The people across the street, the
17 Thompson's have told me that they would be happy to
18 write a letter in agreement. They agreed that the
19 letter should stay up -- that the fence should stay
20 up, but they have young kids, and I asked them not
21 to take their time and trouble their themselves
22 with coming this evening.

1 That was all. If you have any questions
2 for me.

3 MR. STUCHELL: Do we have any questions?

4 MR. BRAMLETTE: Yes, ma'am, the fence
5 itself. Is it on the property line or inside your
6 property?

7 MICHELLE QUINN: It's inside the property
8 line, 1 to 2 feet I think in all instances.

9 MR. BRAMLETTE: Thank you.

10 MICHELLE QUINN: Thank you very much.

11 MR. STUCHELL: Anyone else that would
12 like to speak in favor of the applicant?

13 RENEE MERRELL: I would, yes.

14 MR. STUCHELL: Please come forward, state
15 your name, address and case number.

16 RENEE MERRELL: Good evening and thank
17 you for having us at the hearing. My name is Renee
18 Merrell. I live at 10733 Gordon Road, and the case
19 number here is V160002.

20 I have been on my property -- it consists
21 of 15 acres -- I've been on that property since
22 approximately 2005, built my home and everything

1 has been wonderful.

2 The Quinn's and the Blunt's came in when
3 Deer Run was built, somewhere around 2004. It
4 changed things, but things have gotten really out
5 of hand since the garage was built.

6 The garage started shortly after he moved
7 in, somewhere around maybe 2005. It wasn't
8 finished until just last month or so. There was
9 siding that was left off. It was just the paper.

10 The paper would blow and tear and strip
11 off and fly across my open fields. I have picked
12 up so much paper across my fields that I had had
13 enough.

14 Well, he put more paper on, and that
15 ripped and tore and blew across my fields, once
16 again I'm doing this. He didn't finish the siding
17 until just the last couple of months.

18 The noise over there has been outrageous.
19 It's a mechanical noise and it starts sometimes at
20 6:30 a.m. very, very, very close to the fence that
21 the Quinn's have put in.

22 Now my house is backed up a good ways

1 from that, but it sure is outrageous to have
2 mechanical machine noise at 6:30 a.m. The
3 importance of that fence is incredible. That fence
4 provides a barrier from the site, a barrier from
5 any sort of debris that might cross over, anything
6 that might want to live in that debris. God knows
7 what may have lived in the debris.

8 Recently since he's finished the garage,
9 it has been cleaned up a bit, it needs some more.
10 It's not done yet, at least not the way I like
11 things, but it's much, much better.

12 There is no guarantee that it is going to
13 stay that way. That fence is imperative. The
14 fence is well kept, it's nicely painted, it's
15 attractive, same for the shed, it's a high quality
16 nicely kept shed, nicely painted, well maintained.

17 The shed sits very close to my property
18 line as well as the Blunt's property line. The
19 shed was strategically positioned there to help
20 extend the fence.

21 Fencing gets very expensive when you have
22 to put in a 10 foot fence. That was the purpose of

1 putting it there.

2 I have no objections whatsoever for that
3 shed nor the fence. I feel it's very important not
4 only for the Quinn's safety and privacy but for my
5 own.

6 So anything that can be done to help
7 support their effort, I'm willing.

8 So thank you very much. I appreciate
9 your time and I'll be happy to answer questions.

10 MR. STUCHELL: Anybody have any questions
11 for Ms. Merrell? Thank you, ma'am.

12 RENEE MERRELL: Thank you.

13 MR. STUCHELL: Is there anyone else that
14 would like to speak for the applicant at this time?
15 Okay, is there anybody that would like to speak in
16 opposition of the application? Please come forward
17 one at a time.

18 State your name, address and the case
19 number, please.

20 TERRENCE BLUNT: Yes, my name is Terrence
21 Blunt. My address is 10504 Big Horn Drive which is
22 adjacent to the Quinn's. The zoning code is

1 V160002.

2 We have heard a wonderful story. I want
3 to thank you all for taking the time. Over the
4 years -- the Quinn's have been there since '04.
5 I've been there since '04. Yes, we do not have a
6 homeowner association.

7 Yes, I worked for the Greater Washington
8 Metro Transit Authority which is up in D.C. as a
9 mechanic. And my hobby is a mechanic, but also I
10 do -- I'm zoned as Blunt Building and remodeling to
11 build in Spotsylvania County, which one of the jobs
12 I've done like the soccer field. And down off of
13 17 I built that building with some other support.
14 With volunteered work. But getting back to this
15 issue at hand.

16 They have complained over the years. I
17 have corrected the mistakes. Mrs. Diaz the code
18 compliance came out, Ernie came out, gave me the
19 approval of the garage, everything is done to code.
20 There is most of it I have to get done to finish
21 it, and the issue at hand every time I start
22 working on it they call the County and complain.

1 Well, unfortunately I haven't finished
2 the garage. In 2008 I suffered a very major
3 divorce. It left me with one income, which, I
4 don't make but very much money, so I have to do
5 stuff as my income come in.

6 I'm pretty sure they have sent you
7 pictures of what my yard looked like, but yet still
8 every time the County had came out, sent me a
9 letter, I have complied with the County.

10 Now they are seeking -- let me back up.
11 They say I have been harassing them, that's not
12 true because not once have I called the County and
13 complained.

14 The only people I have called and filed a
15 report with was the sheriff's department. Mr.
16 Quinn got out his FBI card, came over to the fence
17 line taunting me and also brandishing his gun, I
18 had to call the sheriff's department. The
19 sheriff's department had to come and talk with this
20 gentleman.

21 I have called the sheriff department
22 probably about 8 times with issues of they bullying

1 me. Now, once again, not once have I complained.
2 now they have been throwing rocks at my glass house
3 now the tables are turned and I filed a complaint
4 about the fence and the shed not being to code.

5 Now they're here in front of the Board
6 trying to get this variance to change it. This
7 code has been there for years. Now they want
8 special privileges to keep this. At this time I
9 see that no reason why they should be granted.

10 Everybody else in Spotsylvania County got
11 to apply by the codes. I applied, I feel they
12 should apply.

13 Now the pictures you probably seen is
14 probably what has -- walked somebody else's
15 property line over 300 yards to take pictures. If
16 I fire up a chainsaw to cut the tree down, next
17 thing I know I got the County man standing on top
18 of me, what are you doing?

19 I do believe I own 3.9 acres at that
20 property. Like I told them before, I pay the
21 mortgage on this side, you pay the mortgage. You
22 have put up the fence, not once have I complained

1 since you took the fence.

2 You cannot see over that fence. The only
3 way you can see what I got, you have to come up on
4 to somebody else's property to see whether my
5 backyard -- or on the other adjacent side of my
6 yard.

7 If you're looking from Big Horn Drive
8 looking up the hill, you cannot see what they are
9 showing you from the highway.

10 So once again the stories they have told,
11 wonderful stories, but it's not true. I have
12 called the sheriff department, several, several
13 times.

14 I have been harassed. I have hired a
15 lawyer back in '05 to send these people papers to
16 leave me alone. My ex-wife was a surrogate mother,
17 pregnant, they put undo stress on her to a point
18 where she almost lost the child that she was
19 carrying for another person.

20 And now they want to make me out to be
21 the bad guy? No, I'm not the bad guy. I complied
22 with the County on everything they asked me to do,

1 now it's their turn to comply.

2 So that's all I have to say. Is there
3 any questions for me?

4 MR. STUCHELL: Anyone?

5 TERRENCE BLUNT: And can I say one other
6 thing? The fence and -- well, I don't know her
7 name, Ms. Renee, she said the fence is such a
8 wonderful fence, all well painted and kept. Sorry,
9 every time I turn around the fence is falling down.

10 He had, Mr. Quinn have come back -- Mr.
11 Quinn don't even live at that property no more. He
12 owns a house 1.2 miles away now. He had to come
13 and tack the fence back up. Never really properly
14 fixed the fence with fasteners.

15 He used bungee cords or tie straps to put
16 the fence back up, it keep falling over. I warned
17 him the last time, you need to secure your fence.
18 And if you look at the fence now, the fence is
19 actually leaning and it's not painted or stained at
20 all, so it's not such a wonderful fence.

21 Now they're making me out to be a bad guy
22 when that stuff is not up to par as well. Now, we

1 would have never been here if -- never had a
2 problem with the fence -- I comply with the County
3 for years. It's their turn to comply with the
4 County. That's all I have to say.

5 MR. STUCHELL: Any questions for Mr.
6 Blunt?

7 MR. STEPONGZI: Mr. Blunt, yes, can I see
8 the picture, please?

9 TERRENCE BLUNT: I also have some on the
10 laptop over there if you would like to see them as
11 well.

12 MR. STEPONGZI: *These pictures need to be*
(inaudible) entered into
13 evidence.

14 TERRENCE BLUNT: (inaudible) The rest on
15 the ladder. As you see, the fence is leaning and
16 it is in need of repair, now, and it's not stained
17 at all.

18 MR. STUCHELL: When was this picture
19 taken?

20 TERRENCE BLUNT: That was taken today.
21 And like I said I do have more if you want to see
22 them after my fiancée' speaks.

1 MR. STUCHELL: Do they show anything
2 different?

3 TERRENCE BLUNT: Yes. They show more of
4 my property.

5 MR. ROBERSON: Mr. Chairman, I'd ask, if
6 he wants to do that, to either email those to us so
7 I can get them to you so we'll have the pictures
8 for the file.

9 TERRENCE BLUNT: So you want me to email
10 them to you?

11 MR. ROBERSON: Yes, sir, if you would be
12 so kind.

13 TERRENCE BLUNT: Okay.

14 MR. STUCHELL: Do we have a motion to
15 accept the photos?

16 MR. BUCHANAN: So moved.

17 MR. STEPONGZI: Second.

18 MR. STUCHELL: Any further discussion?
19 All those in favor signify by saying aye.

20 (All Board members responded in the affirmative).

21 MR. STUCHELL: Those opposed signify by
22 saying nay. So moved.

1 Thank you. Any additional questions?

2 Mrs. Quinn would you like to come back --
3 oh, I'm sorry. Please come up. Please state your
4 name and address and the case number.

5 JUANITA CLAYBORNE: Good evening, my name
6 is Juanita Clayborne. I currently reside at 10504
7 Big Horn Drive with my fiance Terrence Blunt. I am
8 a retired Marine, 20 years. I currently work at
9 FEMA, the Emergency Management System.

10 And I am here on behave of him in regards
11 to the issues that has been going on with his
12 neighbors.

13 I do not know Ms. Renee but I do know
14 that she stays behind the area where we're speaking
15 of. First of all I would like to say I have been
16 there since 2013, and when I first came to the
17 home, the neighbors seemed not too friendly.

18 Eventually as I would go down the
19 driveway I would wave, they started waving, they
20 would speak when I'm cutting grass or trimming or
21 putting flowers down, the mister would speak and so
22 would the misses.

1 As far as children were concerned it was
2 very few times that I saw any children other than
3 her maybe once or twice, but for the most part it
4 was generally just the misses and the mister that I
5 seen.

6 As far as the relationship between
7 Terrence and them, it wasn't a good relationship as
8 far as neighbors should be. They would speak to
9 me, but if Terrence were with me, they would just
10 have this mean look on their face, they wouldn't
11 speak at all. I mean it was just ridiculous to me
12 for adults to act like they did, to include
13 Terrence. It takes two, so.

14 But anyway the fence that they're
15 speaking of it was much longer than the picture
16 that it shows now.

17 Just like Terrence said there were two
18 additional portions of the fence that fell down on
19 a couple of occasions and they weren't put in
20 sturdy enough to stay up. The wind, or I guess
21 just by not being stable enough, they had stir
22 straps on them, and they fell.

1 And eventually he removed them. There
2 were posts that were sitting there in the area
3 where the fence would actually move. It took him a
4 minute to take those up, he finally took those up.

5 Since I have been at 10504 Big Horn I
6 tried to assist Terrence in maintaining the yard
7 and just the view itself, and I must say that from
8 what they're talking about to what is going on now
9 is a totally different look as far as the area is
10 concerned.

11 He's currently working like he said at
12 Metro. He leaves the house and he's gone until
13 10:30, 11 o'clock, well maybe 11:30 when he comes
14 home. So the majority of the time he is not even
15 at the home after 12 o'clock that day.

16 So all this extra stuff that they said is
17 going on, it's not. My family has come over to
18 celebrate Terrence's birthday party, this was back
19 on the 4th, the 3rd of June, and I had friends over
20 at his house.

21 One of the gentleman that was outside ran
22 into the house to tell us that the neighbor was on

1 a ladder looking over into Terrence's yard and
2 taking pictures and we was like what? And we went
3 out there and sure enough he was doing that.

4 So Mr. Blunt called the sheriff
5 department to complain. Well what came out of that
6 was the sheriff said that basically he could take
7 pictures of Terrence's yard and so forth.

8 So I just want to ask does that seem
9 right? And if it was his fence that they was
10 concerned about the view that they were concerned
11 about, why would he take a ladder well above the
12 fence line that he has to peer over into Terrence
13 yard to take pictures. Doesn't make any sense to
14 me.

15 Now I've seen them on several occasions
16 since I have been there taunt Terrence as far as
17 his yard is concerned, as far as them walking the
18 back end of his house to the other side where it's
19 far, far away from their area to see what he's
20 doing.

21 They can't even see that side of his
22 house, so for them to constantly complain and to

1 have this animosity against them, it's more than
2 just the fact that he has that house there. I
3 think it's a little more personal.

4 What it is, I don't know. I just wish
5 that they would get it together because Terrence is
6 not bothering them, has not been bothering them,
7 but like he said once he decided to take on with
8 the County and complain about the fence and the
9 garage that they have in the back that's out of
10 regs, now they want to come to you guys and ask for
11 assistance in trying to keep it up.

12 Fair is fair, and I think you guys should
13 think about that. That's all I have.

14 MR. STUCHELL: Does anybody have any
15 questions? Thank you, ma'am. Is there anybody
16 else that would like to speak in opposition of the
17 variance?

18 At this time, Ms. Quinn, would you like
19 to come back as a rebuttal?

20 MICHELLE QUINN: Thank you. So of course
21 some of that is hard to hear. On my mother's grave
22 I have never called the police department, I have

1 never called the fire department. I have never
2 contacted the County about the condition of
3 Terrence's property.

4 It's an easy thing to escalate things by
5 calling the sheriff's department. I have not done
6 it. There again as a daughter of a law enforcement
7 officer and a taxpayer here who recognizes that I
8 shouldn't waste the sheriff department's resources,
9 I have never called.

10 I have, this young lady is quite correct,
11 seven, eight, nine times, had policemen come to our
12 property, including the one time that they're
13 referring to.

14 The policemen have almost always
15 apologized to us because they say we don't know
16 what to say, but he's over there, he's yelling,
17 he's called, he's frantic. We'll go back and we'll
18 tell him that there is really nothing here.

19 Michael -- I do remember because it was a
20 problem for his profession, walking the property
21 line in 2006 or so. Somewhere around 2006 or 7
22 walking the property like before he put the fence

1 up, he walked the property line, Michael is
2 required by the FBI to carry a weapon. It's
3 actually something he's penalized for if he doesn't
4 carry it.

5 He just simply, after work was walking up
6 the property line. They accused him of brandishing
7 a firearm. It never left his fanny pack that he's
8 required as an agent to carry it, but yep, the
9 sheriff's department was there and an OPR
10 investigation was opened and again there was no
11 grounds to it.

12 At one point we were told to, by the
13 County to take pictures of, as we have been this
14 year, take pictures, if Terrence was in violation,
15 because that was during the time when he had
16 Bobcats and he had other things that shouldn't have
17 been allowed on the property, my 16-year-old son
18 was out taking pictures.

19 We are supposed to document vehicles that
20 were broken, had no license plates, no inspection
21 stickers or inoperable because they were on
22 trailers.

1 Joseph who is 16, you know an honor roll
2 student at Courtland, you know, now William and
3 Mary graduate and off doing great things, Joseph
4 took pictures. I said use your camera, please,
5 take pictures three days in a row because we have
6 to document what is happening there as far as the
7 vehicles and then the County would ask Terrence to
8 stop.

9 Terrence called the police then also,
10 called my son a pedophile and a peeping tom that
11 was stalking on his daughter even though his
12 daughter wasn't home.

13 So he uses, he uses escalating language,
14 causes this to be an escalating difficult situation
15 that is frightening and upsetting to me and I guess
16 the reason at the end of the day I petition you all
17 to keep this fence is it's actually in support of
18 Terrence, as he said, one, no one can see it from
19 the street.

20 It's more than 100 yards back from the
21 front property line. So no one can see it, no
22 other property owner in Spotsylvania County can see

1 it, other than the three of us.

2 Two, it does give -- as Terrence told you
3 himself, he called the police department. He
4 called the sheriff's department two weeks ago,
5 because it was June 4th, it was the day after the
6 County had asked him to come into compliance, and I
7 counted on his front property 11 vehicles. I
8 counted five boats, now I don't know anyone besides
9 Donald Trump who owns five boats, right?

10 But Terrence has five boats out there,
11 and Michael said that there were more in another
12 area and he said I'll take pictures, because we
13 knew this hearing was ahead and we wanted to show
14 that he still had more than 15 vehicles, all these
15 boats, step van, dump truck, after the deadline for
16 him to come into compliance.

17 We did put up a ladder about 20 feet into
18 our yard and again, Terrence called the sheriff's
19 department. The sheriff's came over, they looked
20 at where the fence, the ladder was, and they said
21 well, you haven't done anything, but he's very
22 upset, and he's very animated.

1 And on that particular evening Michael
2 left to go home and was followed by these guys.
3 They followed him to his home, they tried to, and
4 when he pulled over at some areas they said they
5 were going into Food Lion and then ran back to
6 their vehicle to try and find out where he lives.

7 As Terrence told you, Michael does have a
8 property 1.2 miles away, and it's chilling to me
9 that he should even care or know that.

10 So and the last thing I want to say is we
11 do have an original company that put our fence up,
12 is ready to help us because this spring's storms
13 did tip an area and there is currently a temporary
14 banding on it. I want to get it repaired and lined
15 up and squared up but it would be foolish for me to
16 do that if the County says the fence has to come
17 down.

18 Because the estimate I have to repair the
19 fence is about 12 hundred, 15 hundred dollars, and
20 I'm happy to do that, but I shouldn't do that if
21 the County says take down the fence, you know,
22 because I have to use them instead to take down the

1 fence.

2 So I agree with Terrence certainly in
3 that regard, both that one, the fence gives him
4 privacy just as it gives us privacy, and we both,
5 you can hear that, are desperate for that. And
6 two, if I'm allowed to keep the fence I will
7 quickly get Thoroughbred Fencing out to square it
8 away and make sure that they put in 10 by 10s,
9 where they only put 4 by 4s and the wind caused the
10 fence at the lower levels to tip over.

11 That's all. Thank you very much.

12 MR. STUCHELL: Are there any further
13 questions?

14 MR. BRAMLETTE: Yes, ma'am, we've heard
15 comments for both to keep the fence and to take the
16 fence down. No one spoke to the fact that you have
17 that shed, and that is the other part of this
18 issue.

19 Can you tell me a little bit about the
20 shed and why the shed is in that particular
21 position when you have the amount of ground that
22 you have to put a shed on?

1 MICHELLE QUINN: Yes, sir. So it was
2 kind of, it was actually mostly that we had five
3 kids and we were paying for college tuitions, so I
4 was trying to put the fence in a place that would
5 just protect where all of the noise was coming
6 from, all of the harassing was coming from, and I
7 didn't want to pay for 20 feet back to the property
8 line if I didn't have to, and that was an area that
9 was on the side of Terrence's garage, which had
10 been an empty area.

11 So I thought I'll start it kind of at the
12 side of his garage and go forward, well, then as
13 soon as we did that, he then put in a bunch of
14 crush and then he moved a Bobcat, he put in
15 scaffolding, he put like washers and dryers, storm
16 windows, dump trucks, all sorts of things back in
17 that area.

18 So we were again looking at a completely
19 trashed area, so at that point I thought I could
20 either put in more fence, or Michael had wanted a
21 shed for Father's Day so I said let's get shed and
22 we'll put it right there and it will augment where

1 the fence is.

2 If the County would like me to, I am
3 happy to put a fence behind that shed and move it
4 10 feet forward if I have to. There again, I
5 already have an estimate from the fencing company
6 to do that, to extend the fence now because three
7 of the four now are done with college and I'm down
8 to fewer college tuitions to pay so I can extend
9 that fence back to the rear property line and Renee
10 has said of course she doesn't object and it's
11 allowed to be 10 feet in that direction.

12 When I do that though, he would no longer
13 see the shed anyway whether it's four -- it's about
14 four feet from the property line right now but I
15 could pull it forward with the fencing if the
16 County asked me to do that, but that's why we had
17 to put the shed there because it was a way to block
18 that area where he had then put a bunch more
19 clutter and used to keep a very large dog and was
20 kind of peeping across in that direction, so we
21 thought the shed would be a better solution because
22 it would serve two purposes, kind of as a fence and

1 give us privacy and storage.

2 MR. STUCHELL: Thank you. Any other
3 questions? All right, thank you, Ms. Quinn.

4 At this time we will close the public
5 hearing. What is the Board's pleasure this
6 evening? Make a motion, want to vote, put it off?

7 Mr. Altman, do you have a motion, it's
8 your district?

9 MR. ALTMAN: (inaudible) I didn't get to
10 see the property.

11 MR. BUCHANAN: Mr. Chairman, I'd like to
12 make a motion that we delay voting for 30 days so
13 that we can get some more of the pictures in and
14 check some of the County records.

15 MR. STUCHELL: Okay. Do we have a
16 second?

17 MR. STEPONGZI: I'll second.

18 MR. STUCHELL: Any further discussion?

19 MR. STEPONGZI: Mr. Chair, one correction
20 on that, the motion should be delayed until our
21 next meeting in July.

22 MR. STUCHELL: Correct. Okay, any other

1 discussion? All those in favor of holding this
2 over until our meeting in July signify by saying
3 aye.

4 (All Board members except Mr. Kolakowski responded
5 in the affirmative).

6 MR. STUCHELL: Those opposed signify by
7 saying nay.

8 MR. KOLAKOWSKI: Nay.

9 MR. STUCHELL: Okay, motion passes.

10 MR. ALTMAN: Let me clarify, do we have a
11 meeting in July?

12 MR. STUCHELL: We do now.

13 All right, thank you to all the
14 participants in that.

15 At this time do we have any old business
16 to discuss?

17 MR. ROBERSON: Mr. Chairman, do you want
18 to dismiss the audience, if they want to stay or --

19 MR. STUCHELL: By all means, if anybody
20 would like to leave at this point, as we're going
21 to be just doing housekeeping items, or they can
22 stay.

1 MR. ROBERSON: You're welcome to stay.

2 MR. STUCHELL: All right, is there any
3 old business from our last meeting in November of
4 2015?

5 Okay. Any new business?

6 MR. STEPONGZI: I believe we just have
7 our elections tonight.

8 MR. STUCHELL: Yes, we'll do that in just
9 about 2 minutes unless we have any other new
10 business.

11 MR. ROBERSON: None that I am aware of.

12 MR. ALTMAN: (inaudible)

13 MR. ROBERSON: That case has been
14 settled, Mr. Altman, as far as I know. I'll get
15 you, I apologize to the Board, but I'll get a brief
16 up on that and have it ready for you all next
17 month. A final disposition on that tower.

18 MR. BRAMLETTE: We did see something on
19 the first portion that was published. We didn't
20 see anything on the second.

21 MR. ROBERSON: I'll clean up loose ends
22 for you and get you all something, either something

1 in writing or before the next meeting, or I'll have
2 it for housekeeping discussion.

3 MR. ALTMAN: (inaudible).

4 MR. STUCHELL: Again, just kind of a
5 housekeeping item, but on the application for the
6 zoning variances right now, we have it set up with
7 the four questions that we had prior before they
8 changed the new rules last year, are we going to
9 change the application to more match the new
10 requirements since there are now different
11 requirements?

12 MR. ROBERSON: I think that was a
13 question for the County Attorney, but in light of
14 the recent shift in County attorney and their
15 position over there, for whatever reason may be, I
16 don't think that's on the top front of the burner.
17 I'll certainly do that follow up for that.

18 MR. STUCHELL: I thought I remembered Mr.
19 Tignor saying something about, you know, we were
20 going to follow up on that, but it's been so long
21 since we met, I wasn't sure that was still there.

22 But I do remember when I talked to him

1 last he said you guys have had a couple of changes
2 at the attorney's office.

3 MR. ROBERSON: Yes. They're still
4 shorthanded. But I'll do a follow up.

5 MR. STUCHELL: Awesome. Wonderful. So
6 if there is no other new business, we can proceed
7 with elections.

8 MR. STEPONGZI: Mr. Chair, I nominate
9 Ronnie Hilldrup to be Chairman for this coming
10 year, 2016/17.

11 MR. STUCHELL: And do we have a nominee
12 for Vice Chair next year?

13 MR. BRAMLETTE: I will nominate our
14 present Secretary to be the Vice Chair, Mr. Mark
15 Steponzgi.

16 MR. STEPONGZI: Steponzgi.

17 MR. BRAMLETTE: I'll get it right.

18 MR. ROBERSON: Let me tell you this, he
19 was in my Boy Scout troop for many years and I
20 wrestled with that name. I mean, I wrestled with
21 it.

22 MR. STUCHELL: I still do. Sorry.

1 MR. STEPONGZI: Mr. Chair, I nominate
2 Dennis Buchanan as Secretary.

3 MR. STUCHELL: Okay, so we have a full
4 slate. Do we have a second?

5 MR. KOLAKOWSKI: Second.

6 MR. STUCHELL: Any further discussion?

7 All those in favor of that slate of
8 officers signify by saying aye.

9 (All Board members responded in the affirmative).

10 MR. STUCHELL: Those opposed signify by
11 saying nay. So moved. Sorry, Mr. Hilldrup.

12 MR. ROBERSON: He's going to be out of
13 town for about 10-12 days here. We'll give him X's
14 and O's with this when he gets back.

15 MR. STUCHELL: Let him know. Wonderful.
16 all right, is there any further business to come
17 before this meeting this evening?

18 MR. BUCHANAN: Motion to adjourn.

19 MR. KOLAKOWSKI: Second.

20 MR. STUCHELL: Any discussion? All those
21 in favor signify by say aye.

22 (All Board members responded in the affirmative).

1 MR. STUCHELL: Those opposed signify by
2 saying nay. So moved. Meeting adjourned.

3 (The hearing concluded at 8:15 p.m.)
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In The Matter Of:
Spotsylvania Board of Zoning Appeals
V16-0002-Michael Quinn & Michelle Quinn, Trust

July 18, 2016

Commonwealth Court Reporters, Inc.

540-372-6655

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COUNTY OF SPOTSYLVANIA
BOARD OF ZONING APPEALS
PUBLIC HEARING

Case Number:

V16-0002-Michael Quinn & Michelle Quinn, Trust -
Michael Quinn & Michelle Quinn Family Trust.

The monthly meeting of the Spotsylvania County Board of Zoning Appeals was held at the Richard E. Holbert Building, Board of Supervisors Meeting Room, 9104 Courthouse Road, Spotsylvania, Virginia on Monday, July 18, 2016 at 7:30 p.m., before Colleen Good, Certified Court Reporter and Notary Public in and for the Commonwealth of Virginia.

1 MEMBERS PRESENT:

2

3 Mr. Ronnie Hilldrup-Chairman, Salem District

4 Mr. Mark Stepongzi, Vice-Chairman, Chancellor

5 District

6 Mr. Dennis Buchanan, Secretary, Berkeley District

7 Mr. Richard Stuchell, Battlefield District

8 Mr. Alfred S. Altman, Livingston District

9

10 MEMBERS NOT PRESENT:

11 Mr. Peter R. Kolakowski, Lee Hill District

12 Mr. Larry Bramlette, Courtland District

13

14 STAFF PRESENT:

15

16 Mr. Rick Roberson, Assistant Zoning Administrator

17 Ms. Mary Chewning, Zoning Assistant

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1 P-R-O-C-E-E-D-I-N-G-S

2 MR. HILLDRUP: Okay, gentlemen, we are
3 here tonight to vote the case of V16-0002. We do
4 have a few things that -- one was that Mr. Buchanan
5 wanted to know about the calls to that, service to
6 that address which was addressed in a memo. I
7 think everyone has that. Also some pictures that
8 were in our packet, or mine, for the minutes, of
9 the pictures of the area that we have in question.

10 Was anything else, any of the members --
11 on this first, we need to go over the minutes from
12 last week -- last month's meeting and approval. Do
13 I have any motions?

14 MR. STEPONGZI: Mr. Chair, before we make
15 a motion there are some -- there is a correction to
16 the minutes I would like to have made.

17 MR. HILLDRUP: That's fine.

18 MR. STEPONGZI: On page 25, on lines 12
19 and 13 the sentence should read these pictures need
20 to be entered into evidence.

21 MR. HILLDRUP: Have you got that? Any
22 other corrections from anybody else? All right, if

1 not, the meeting was closed last time and now we're
2 only here for the vote, so --

3 MR. STUCHELL: I'll make a motion to
4 approve the minutes as so corrected.

5 MR. ~~ALFRED~~^{ALTMAN}: I second.

6 MR. HILLDRUP: First and second. All
7 those in favor say aye.

8 (All Board members responded in the affirmative).

9 MR. HILLDRUP: Those opposed? So
10 carried.

11 All right. Now, do we have anything that
12 we would like to do on Case V16-002?

13 Vote it? Okay. Do we have a motion to
14 vote on this case?

15 MR. ~~ALFRED~~^{ALTMAN}: V16-002.

16 MR. HILLDRUP: Right. To vote that. All
17 right, we have a motion to do it. Do we have a
18 second?

19 MR. STUCHELL: Second.

20 MR. HILLDRUP: All those in favor?

21 (All Board members responded in the affirmative).

22 MR. HILLDRUP: Okay, what is your

1 pleasure?

2 ~~MR. ALFRED:~~ ^{ALTMAN} Mr. Chairman, I make a
3 motion to deny on 9 such variance as being contrary
4 to the intended spirit and purpose of the zoning
5 ordinance.

6 MR. HILLDRUP: You make a motion to deny
7 for number 9. Is that correct?

8 ~~MR. ALFRED:~~ ^{ALTMAN} 9 on one of them.

9 MR. HILLDRUP: Well, there is only one
10 case.

11 ~~MR. ALFRED:~~ ^{ALTMAN} (inaudible) same wording
12 but --

13 MR. STUCHELL: I'll second.

14 MR. HILLDRUP: Okay. We have a motion to
15 deny and a second. All those in favor?

16 (All Board members responded in the affirmative).

17 MR. HILLDRUP: All those opposed? So
18 moved. The variance V16-0002 has been denied.

19 Okay, that covers everything else. We do
20 have some pictures that were in the new packet that
21 you'll want to put into --

22 ~~MR. ALFRED:~~ ^{ALTMAN} I'll make a motion to put

1 those pictures as received and entered into the
2 record.

3 MR. HILLDRUP: Okay. We have a motion to
4 put those pictures that are in the packets and
5 stuff. Is there a second?

6 MR. STEPONGZI: Second.

7 MR. HILLDRUP: We have a second. All
8 those in favor say aye.

9 (All Board members responded in the affirmative).

10 MR. HILLDRUP: All those opposed? So be
11 it.

12 All right, I guess that takes care of the
13 meeting tonight. Mr. Roberson. Do we have
14 anything next month?

15 MR. ROBERSON: Well we think we might
16 have a case next month. I'm sorry -- for
17 September. We do not have one for August. But we
18 may have one for September.

19 MR. HILLDRUP: Just one?

20 MR. ROBERSON: Just one. Hopefully.
21 Mr. Chairman, there were a couple of outstanding
22 issues that I was charged with running to ground.

1 MR. HILLDRUP: Okay.

2 MR. ROBERSON: And one, I think
3 Mr. Altman had asked about the BZA Catlett case,
4 and that was heard in the Circuit Court and the
5 judge did give the opposing attorney the
6 opportunity to prove that he had a case that had
7 standing in it, but other than that -- I'll ad lib
8 from Mr. Tignor's email, it says Deputy County
9 Attorney has both defeated the two attorneys,
10 Mr. Pugh and Mr. Bailey, on the cases and separated
11 a hearing for the Circuit Court Judge Joe Ellis.

12 It was a short lived matter, but rather
13 more than four hours in front of the judge in open
14 court arguments. After being told by the judge
15 that he did not have standing to file based on
16 evidence before him, Judge Ellis allowed Scott Pugh
17 to file again, with this evidence, to try to
18 establish standing for his client to even be before
19 the Court arguing against the case as the
20 historical association has no property, property
21 view or direct interest in the matter of the tower
22 as determined so far by the Court.

1 It's clearly established that and decided
2 that the Court itself is an arbitrator of legal
3 standing on filing the appeal, not the zoning
4 administrator nor the BZA. There will be a third
5 hearing on this legal standing matter to be
6 scheduled.

7 I would suspect that the opposing
8 attorney will try to argue the little historical
9 markers and may give him some clout, but basically
10 I think we're going to think we are inclined to
11 think that that will die on the table.

12 So that's the standing on that one.

13 I was also asked about our justification
14 forms. There is no intent by the County Attorney's
15 Office to change our forms at this time. They will
16 give it some consideration but they are backlogged
17 in lawsuits right now, so they want it to stay the
18 way it is right now.

19 MR. HILLDRUP: Wasn't that brought down
20 by the State --

21 MR. ROBERSON: And again, I can only rely
22 on what he's telling me, and that very well may be

1 the issue, but I don't know if there is a shelf
2 life on that, or I don't know if there is a
3 deadline time imposed on that, but right now I do
4 know that there is no intent to change the form at
5 this particular time.

6 MR. HILLDRUP: Right. The form is just
7 three items that you had to meet or whatever --

8 MR. ROBERSON: Right.

9 MR. HILLDRUP: And now it's down to eight
10 or nine, so --

11 MR. ROBERSON: That's right.

12 MR. HILLDRUP: That was changed, and I
13 thought it was said that it came down through the
14 General Assembly or somebody in the, lies behind a
15 desk somewhere.

16 MR. ROBERSON: Well, you know, our's is
17 just a housekeeping thing, I think, with changing
18 that form. I think the intent is still there and
19 intact.

20 Also, let's see, what else did I have?
21 On last month's noting, on Mr. Stepongzi had made
22 some points on the minutes in the notes and I told

1 you all we would take care of those. Those
2 corrections have been made, or we're in the process
3 of finalizing those, but I think those were basic
4 like grammatical errors as opposed to content
5 errors.

6 MR. HILLDRUP: Anybody have anything
7 else? Motion to dismiss?

8 MR. ^{ALTMAN}ALFRED: So moved.

9 MR. HILLDRUP: Second?

10 MR. STUCHELL: Second.

11 MR. HILLDRUP: All in favor?

12 (All Board members responded in the affirmative).

13 MR. HILLDRUP: Meeting adjourned.

14 (The hearing concluded at 7:45 p.m.)
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