

Rules of Procedure

Board of Adjustment
Person County, N. C.

(Revised May 6, 1998)

I. GENERAL RULES

- A. Governing Provisions. The Zoning Board of Adjustment shall be governed by the terms of Article 18 of Chapter 153A, Section 345 of the General Statutes of North Carolina and by Article XIV of the Person County Planning Ordinance.
- B. Rules. All members of the Board shall thoroughly familiarize themselves with these rules.

II. OFFICERS AND DUTIES.

- A. Chairman. The chairman shall be elected by majority vote of the membership of the Board from among its members. His term of office shall be for one year, and until his successor is elected, beginning on July first and the Chairman shall be eligible for reelection. Subject to these rules, the Chairman shall decide upon all points of order and procedure unless directed otherwise by a two-thirds (2/3) majority vote of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matter before the Board.
- B. Vice Chairman. A Vice Chairman shall be elected by the Board from among its members in the same manner and for the same term as the Chairman. He shall serve as active Chairman in the absence of the Chairman and at such times, he shall have the same powers and duties as the Chairman.
- C. Secretary. The Person County Planning Director or his or her designee shall serve as Secretary to the Board. The Secretary shall maintain the minutes of every meeting of the Board. These shall be and show the record pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. If the Secretary is chosen from outside the membership of the Board, he shall not be eligible to vote upon any matter.

III. ALTERNATE MEMBERS

Alternate Members. Alternate members of the Board shall be called on to attend meetings and hearings in case one or more regular members are absent or are unable to participate in hearing a case because of financial or other interest. Regular members, on receiving notice of a special meeting that they cannot attend or on learning that they will be unable to participate in a particular case, shall

In the event of inclement weather, the Chairman may postpone the Board's meeting. Members and applicants shall be notified as soon as possible.

- B. Special Meetings. Special meetings of the Board may be called at any time by the Chairman or by the Secretary. Except for an emergency meeting, written notice of the special meeting shall be given by the Secretary or the Chairman to each member of the Board at least 48 hours before the time of the meeting. Notice of a special meeting held for a public hearing must be given in accordance with Article VII. (Appeals and Applications), item D- 2 of these Rules of Procedure. An emergency meeting may be called at any time by the Chairman because of generally unexpected circumstances that require immediate consideration by the Board. Notice of an emergency meeting shall be given to local news media either by telephone or by the same method used to notify Board members immediately after notice has been given to Board members.
- C. Quorum. A quorum shall consist of a majority of the Board; however, the concurring vote of four-fifths (4/5ths) of the entire membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of the applicant any matter which it is required to pass under the Person County Planning Ordinance; or grant any variance.
- D. Conduct of Meeting. All meetings shall be open to the public as governed by Article 33C of Chapter 143 of the General Statutes of North Carolina. The order of business at regular meetings shall be as follows: (a) call to order; (b) acknowledgment of a quorum; (c) hearing of cases referred from a previous meeting; (d) hearing of new cases; (f) approval of minutes; (g) unfinished business; (h) new business; (i) adjournment.

VII. APPEALS AND APPLICATIONS

- A. Types of Appeals. The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator. The Board shall also hear and decide all matters referred to it or upon which it is required to pass by Person County Planning Ordinance. In deciding appeals, the Board may hear both those based upon an allegedly improper or erroneous interpretation of the ordinance and those based upon alleged hardship resulting from strict interpretation of the ordinance.
- B. Procedure for Filing Appeals. No appeal shall be heard by the Board unless notice thereof is filed within thirty (30) days after the interested party or parties receive written notice of the order, requirement, decision or determination by the Zoning Administrator. Notice of the appeal shall be made by filing written specification of the grounds for the appeal with the Zoning Administrator.
- C. Procedure for Filing Applications. No application for a variance, vested right status, zoning district boundary interpretation or conditional use permit to be issued by the Board of Adjustment shall be considered by the Board unless a complete application is received by the Zoning Administrator at least fifteen (15) working days prior to the regularly scheduled meeting at which the application is to be heard. All applications shall be made upon the form

F. Decisions:

1. Time. Decisions by the Board shall be made not more than thirty-six (36) days from the time of the hearing.
2. Form. Written notice of the decision in a case shall be given to the applicant by the Secretary as soon as practicable after the case has been decided. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board as approved by the Board. The record shall show the reasons for the decision with a summary of the evidence introduced and the findings of fact made by the Board.
3. Expiration of Permits. Unless otherwise specified, any order or decision of the Board granting a variance or a conditional use permit shall expire if a building permit or Certificate of Occupancy for such use is not obtained by the applicant within six (6) months from the effective date of the decision.
4. Voting at Hearing. The concurring vote of four-fifths (4/5ths) of the entire membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator to decide in favor of the applicant any matter which it is required to pass under the Person County Planning Ordinance; or to grant a variance.
5. Public Record of Decisions. The decisions of the Board, as filed in its minutes, shall be a public- record available for inspection at all reasonable times. Written notice of the decision in a case shall be filed by the Secretary with the Planning and Zoning Department as soon as practicable after the case has been decided.

VIII. AMENDMENTS

- A. These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a majority of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.