

RULES OF PROCEDURE BOARD OF ADJUSTMENT TOWN OF NORTH WILKESBORO, NORTH CAROLINA

I. GENERAL RULES.

The Board of Adjustment (hereinafter referred to as the "Board") shall have all the powers and duties as authorized and prescribed by Section 160D-302 of the General Statutes of North Carolina and by the Zoning Ordinance of the Town of North Wilkesboro.

Should any conflict between documents be found, the order of precedence shall be (1) the General Statutes, (2) the Zoning Ordinance, and (3) these Rules. All members of the Board shall thoroughly familiarize themselves with these documents. The Board, being a public body, shall at all times conduct meetings in conformity with the applicable Open Meetings Law statute 143-318.12. These rules of procedure are intended to supplement and explain procedural provisions and requirements set out in the applicable provisions of law and ordinance.

II. OFFICERS AND DUTIES.

A. APPOINTMENTS OF MEMBERS.

The Board of Adjustment shall consist of eight (8) members (hereinafter, collectively, the "members"). The Board shall be made up of six (6) regular members and two alternates. Four members (three regular members and one alternate member) shall be residents of the Town of North Wilkesboro. Board members who are residents of the Town of North Wilkesboro shall be appointed by the North Wilkesboro Board of Commissioners. Four members (three regular members and one alternate member) shall be residents of the town's extraterritorial jurisdiction and be appointed by the Board of Commissioners of Wilkes County. Board members shall serve staggered terms of three (3) years. All members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309. Regular members receiving notice of a meeting which they cannot attend or upon learning that they will be unable to participate in a particular case shall promptly give notice to the secretary that they are unable to attend or to participate. The member shall, if feasible provide notice to the secretary at least two working days prior to the hearing.

Alternate Members: The alternate members of the Board shall attend all regular and special meetings, and shall be permitted to fully participate in Board business whenever a regular member of the Board is absent, or if any Board member is determined to have a conflict of interest. The alternate members shall be assigned numbers "1" and "2" by the Chair. Assignments shall be rotated amongst the alternate members. Sitting (or voting) members may be comprised of any combination of regular and alternate members.

All members shall serve with pay according to adopted rates on file with the Town Clerk for all regularly scheduled meetings. Special called meetings shall

not be reimbursed. Members may also be reimbursed for any reasonable expenses incurred while representing the Board.

B. ELECTIONS.

Chair: The Chair shall be a regular member elected by the majority vote of the full membership of the board including extraterritorial and alternate members. The Chair's terms shall be one year, or until a successor is elected beginning on January 1st. The Chair shall be eligible for re-elections. The Chair shall rule on all objections to the presentation of evidence. Rulings of the Chair may be appealed by a member of the Board to the full Board. The Chair shall appoint any committees found necessary to conduct the business of the board.

Vice-Chair: The Vice-Chair shall be a regular member of the board elected by the Board in the same manner and for the same term as the Chair. The Vice-Chair shall serve as Acting Chair in the absence of the Chair and at such times the Vice-Chair shall have the same powers and duties as the Chair.

Interim Chair: In the event neither the Chair nor the Vice-Chair is available for a particular case or meeting, the Board shall elect one of its members to serve as the Interim Chair for that case or meeting. At such times the Interim Chair shall have the same powers and duties as the Chair. Should the Chair or Vice-Chair arrive while an Interim Chair is presiding, the Interim Chair shall relinquish all duties with regard to presiding at the earliest point at which such transition may orderly proceed.

Officers: Each officer shall serve for a one (1) year term but may be elected by the Board membership for successive terms to the same office. Annually thereafter, at the regular meeting of the Board held in the month of January, a Chair and Vice Chair shall be elected. Each officer shall serve until relieved of his or her duties as herein provided.

C. SECRETARY.

An Administrator or his/her designee shall be appointed to serve as Secretary to the Board of Adjustment. The Secretary, subject to the direction of the Chair and the Board shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the Board. These minutes shall accurately reflect the record of all important facts pertaining to each meeting and hearing, the names of all members in attendance, alternates seated, if any, every resolution acted upon by the Board, and all votes of the seated members of the Board upon any resolution or upon the final determination of any question, including the names of any regular members present, but excused from voting per Rule II.C, and the names of any sitting members abstaining to vote. The minutes and records of the Board of Adjustment shall be kept in the office of the Department of Planning and Inspections.

The Secretary shall conduct all correspondence of the Board, shall arrange for all public notices required to be given, shall notify members of pending meetings and their agenda, shall notify parties to cases before the board of its decision on such cases as well. The Secretary shall provide to every new member of the

Board print or electronic copies of all relevant ordinances, these Rules of Procedures, and such other educational materials deemed appropriate. The Secretary shall arrange for an orientation for new members and shall coordinate provision of continuing education for Board members.

D. STAFF ASSISTANCE.

A clerk or other staff assistance may be appointed by the Secretary. The clerk shall perform such tasks as may be assigned by the Chair or Secretary and shall assist the Secretary generally in the performance of clerical work of the Board. The clerk shall not be eligible to vote upon any matter. If a clerk to the board is not designated, the Secretary shall perform the duties of the clerk.

III. RULES OF CONDUCT FOR MEMBERS.

A. REMOVAL.

Members of the Board may be removed for cause, including violation of any of the rules provided herein. The Chair shall report to the Town Commissioners any violation of these Rules of Procedures.

B. ATTENDANCE.

In order for the Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent for three (3) consecutive regular meetings, the Chair shall notify such member in writing of his or her absences. If such member fails to attend the next regular meeting, the Board of Adjustment may, by a majority vote of the remaining regular and alternate members, request that the position be vacated.

In such instance, the Chair shall immediately request that a replacement be provided by the North Wilkesboro Board of Commissioners for the remainder of the term of the vacated position. In the interest of Board continuity, the Chair may also recommend to the Board of Commissioners the elevation of an alternate member to become a regular member, and that another alternate member be appointed.

Absence due to sickness, death in the immediate family, or other emergencies of a similar nature shall be recognized as excused absences and shall not affect the member's status on the Board, except that in the event of a long illness or such cause for prolonged absence the member shall be replaced. The Secretary to the board shall keep a record of attendance and shall provide reasonable notice to any member who is in immediate risk of failing to meet these attendance requirements.

C. CONFLICTS OF INTEREST.

No member of the Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board, they shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

A sitting member may be excused from voting on a particular issue under the following circumstances:

- (1) If the member has a close familial, business, or other associational relationship with an affected person; or
- (2) If the matter at hand involves the member's own official conduct; or
- (3) A member having a fixed opinion prior to the hearing that is not susceptible to change; or
- (4) Undisclosed ex-parte communications; or
- (5) If the member has a financial interest in the outcome of the matter.

Board members shall endeavor to avoid the appearance of impropriety. A member with a potential bias or conflict of interest may consult with the Chair, the Secretary, or the Town Attorney regarding that potential conflict prior to the hearing.

If a sitting Board member declares that he or she may have a conflict of interest on a particular issue, he or she shall declare the nature of such conflict at the opening of the hearing on the matter and ask to be excused from participating in the hearing and deciding the case. The remaining sitting members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself or herself from further deliberations on said matter. If a member is excused from voting, he or she shall not participate in any further discussion on said matter and he or she shall remove himself or herself from the meeting room during all deliberations pertaining to such matter. In no instance may a sitting member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist by his or her fellow Board members.

A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for a review of the findings of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Board. The Board shall hear all such evidence.

In order to find that a sitting member does have a previously undisclosed conflict of interest, a majority vote to such effect of the remaining sitting members shall be required.

In the event a sitting Board member is found to have a conflict of interest and is excused from voting on a particular issue by the Board; he or she shall be replaced by an alternate member for that business associated with the conflict of interest, as provided for in Rule II. A.

D. DISCUSSION OF BOARD CASES.

Board members shall refrain from discussing forthcoming or anticipated matters of business with any parties, including other Board members, prior to the meeting at which such items are to be publicly discussed.

Members may receive and/or seek general technical information about ordinance and planning provisions pertaining to a case from the Chair, the Town Attorney, Secretary or Planning Director prior to the Board meeting at which the case is to be heard, except when a staff member is a party or an adversarial witness. Such requested information shall be disclosed to all members in the meeting, and shall also be entered into the case record by the Secretary.

No Board member shall conduct an investigation or gather facts about the case outside the evidentiary hearing. A Board member may visit the site of a pending case provided that visit is disclosed at the evidentiary hearing.

Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto, or one another, before or during the hearing for that case.

IV. MEETINGS.

A. REGULAR MEETINGS.

Regular meetings of the Board shall be held on the third Tuesday of each month in the North Wilkesboro Town Hall. Meetings may alternately be held at any other conveniently located place in North Wilkesboro as directed by the Chair in advance of the meeting and proper notice is given in accordance with applicable provisions of the Zoning Ordinance, Town Code and State Law. All Board members shall be notified of and provided an agenda for each meeting by the Secretary, and public notices shall be posted by the Secretary as prescribed by law. The Secretary shall make the schedule of regular meetings available to the public and shall post a copy of the schedule on the Town website.

Regular meetings and hearings may be rescheduled by the Chair if a scheduled meeting or hearing cannot be held because of a holiday, weather, lack of quorum, or other unusual circumstances. Notice of a rescheduled meeting shall be provided in the same means as required for a special meeting. When an evidentiary hearing will be conducted at a regular or special meeting, all required notices to the parties must be provided with the times set by State law and the Zoning Ordinance.

B. SPECIAL MEETINGS.

Special meetings of the Board may be called at any time by the Chair, in accordance with the Town Codes and applicable provisions of the Open Meeting Law, North Carolina General Statute 143-318.12. The meetings shall provide that at least forty-eight (48) hours advance notice of the time, place and purpose of such special meetings are provided by the Secretary to all members of the Board

and to each news organization and persons requesting such notice. This notice shall be provided by electronic mail, posted on the Town's website and any applicable bulletin boards/Town Hall doors.

C. CANCELLATION OF MEETINGS.

Whenever there are no appeals, interpretations, applications for variances, or other business for the Board, weather emergency or similar situation, or whenever so many regular and alternate members notify the Secretary or Chair of their inability to attend that a quorum cannot be established, the Chair may dispense with a meeting. In such instance, the Secretary shall give written or oral notice to all Board members as much in advance of the scheduled meeting date as possible, and shall not be less than twenty-four (24) hours before the time of the meeting. Additionally the Secretary shall post suitable public notice at the regular meeting space.

D. QUORUM.

No final action shall be taken on any matter unless a quorum is present. A quorum shall consist of at least five (5) sitting members, entitled to vote on matters brought before the Board, including any alternates seated. The Board shall not vote on any questions related to an appeal of a decision or determination of the Zoning Administrator or an application for a variance or special use permit when there is fewer than five (5) voting members of the Board are present.

E. CONTINUATION OF MEETINGS.

An applicant may make a written request to delay consideration of a case to the next regularly scheduled meeting, provided that the request is received at least twenty-four (24) hours prior to the scheduled meeting. Except for good cause shown, if an applicant fails to appear at the meeting to prosecute his or her application and the hearing has been continued one (1) time before the Board may dismiss the application for failing to show up. An application that has been dismissed may be resubmitted upon payment of applicable fees.

Meetings may be continued from one date to another, provided that the reconvened meeting occurs at least forty-eight (48) hours thereafter, and such meeting is held at a conveniently located meeting site in North Wilkesboro. Public notice shall be provided by the Secretary as to the time and place of any such continuation. In all instances the Board shall decide on the case in a reasonable time period.

F. VOTING.

All regular members shall vote on the issues unless they have disqualified themselves for one or more of the reasons stated in Rule III, B or C. of these Rules of Procedures. Alternate members shall vote on any issue for which they are seated in place of regular members unless they have disqualified themselves for one or more of the reasons stated in Rule III, B or C.

The concurring vote of at least four-fifths (4/5) of the sitting members of the Board shall be necessary to grant a variance from the provisions of the Zoning Ordinance. If a motion to approve a variance does not receive the affirmative vote of four-fifths of those members eligible to vote, the variance shall be deemed denied. When this occurs, members who did not cast an affirmative vote on granting the variance shall state for the record their rationale for casting a negative vote.

A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

No more than six (6) regular and alternate members may vote on any matter for which a public hearing is held. Any alternate member present, not seated as part of the quorum per Rule IV. C, may participate in the hearing of cases before the Board, lending their expertise, as appropriate, but shall not be entitled to vote.

The Chair shall be able to vote on any matter, including making and seconding a motion. An unauthorized abstention from voting by a sitting member shall be considered as a "yea" vote. No sitting Board member shall vote on any matter deciding an application or appeal unless he or she has attended the public hearing(s) on that application.

Unless otherwise specified in these Rules, all regular and alternate members may vote on procedural matters, which do not necessitate a public hearing.

After deliberation, but prior to voting, the Chair shall have the authority to decide the method of voting; either by one-time summary vote after the findings of fact have been presented or by "line item" for each finding of fact. If the "line item" method of voting is chosen, there shall not be a summary vote at the end.

G. CONDUCT OF MEETINGS.

All meetings shall be open to the public, except for closed session as allowed by law. The order of business at regular meetings shall be as follows:

- (1) Call to order, determination of Quorum; Recording of Seated (Voting) Members and any announcements.
- (2) Approval of Minutes of Previous Meetings including any corrections.
- (3) Hearing, consideration, and determination of cases.
- (4) Other Business including new Business
- (5) Adjourn.

H. AGENDA AND MEETING MATERIALS

An agenda for each meeting and hearing shall be prepared by the Secretary to the board and shall be distributed to all members of the board, applicants with cases

to be heard, and any other interested person who has made a written request to receive an agenda. The agenda shall be distributed at least one week prior to the regular meetings and two days prior to special meetings. Written briefs, documents, letters and staff reports may be submitted to the Board members by the Secretary to the Board prior to an evidentiary hearing, provided that any such material is also submitted to all parties to that case at the time they are submitted to the Board members. Staff may establish reasonable deadlines for submission of any material to be distributed prior to the hearing. Such materials shall be distributed at the same time the meeting agenda is distributed. Any such material shall be part of the hearing record and introduced as documentary evidence at the evidentiary hearing. Board members shall endeavor to review the materials prior to the hearing. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

I. MEETING RECORDINGS

The Secretary shall make audio or video recordings of each meeting and hearing. Electronic recordings that may be used to generate transcripts for judicial review as needed shall be made of each meeting and shall be held for safekeeping by the Secretary in accordance with record retention policies set by State law and Town Ordinance. Any party to a quasi-judicial proceeding may request a verbatim transcript of the evidentiary hearing with the cost of preparation of the transcript borne by the party making that request.

J. OATHS

All witnesses presenting testimony in evidentiary hearings shall be sworn in. The Chair of the board or any member acting as Chair are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor. An affirmation may be made by any witness with a religious objection to swearing.

K. SUBPOENAS

Through the Chair or, in the Chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

V. APPEALS, APPLICATIONS, PUBLIC HEARINGS.

A. TYPES OF HEARINGS AND APPEALS.

The Board shall hear and decide appeals from an order, denial of a permit or other written decision, or determination made by the Planning Director and/or Zoning Administrator or other administrative official charged with enforcing an ordinance. To hear and grant variances to certain provisions of the Zoning Ordinance in cases where special conditions would make strict and literal interpretation result in the loss of privileges shared by other properties within the same zoning district. To hear and decide on Special Use Permits as assigned by the Zoning Ordinance, Town Code Chapter 16, Subdivisions and the Town's Wireless Communication Ordinance. All conditions placed on Special Use Permits shall have the consent of the applicant/land owner and cannot be conditions that the Town does not have statutory authority over.

B. PROCEDURE FOR FILING APPLICATIONS.

All applications shall be filed with the Zoning Administrator. No appeal shall be heard by the Board unless a completed application for an appeal is filed within thirty (30) calendar days of the date a decision was made by the Zoning Administrator. Applications for variances shall be submitted no less than 20 working days prior to the regular or special meeting at which the case is to be heard. Applications for variances and Special Use Permits shall include a site plan of sufficient size and accuracy to enable the Board to see the location of the request. A land survey is recommended for the Special Use Permit and required for all variances. Upon submittal the Zoning Administrator shall verify the site plan meets all applicable requirements. The Zoning Administrator may file an application for an interpretation of the Zoning Ordinance at any time. All applications shall be made upon the form furnished by the Town for that purpose, and all information required thereon shall be complete before an appeal shall be considered as having been filed. The Zoning Administrator shall determine if an application is complete. If any application is found to be incomplete, the Zoning Administrator shall notify the applicant and assist in completion of the application before placing same before the Board. An applicant may withdraw any appeal, application or other matter prior to the start of the evidentiary hearing. A withdrawal must be made in writing. Upon the withdrawal the case is closed and a new application with applicable fees is required to renew the application.

C. FEES.

A fee, in accordance with a fee schedule adopted by the North Wilkesboro Board of Commissioners shall accompany an application for any appeal or variance. This fee shall be waived for any application initiated by the Zoning Administrator, the Planning Board or the Board of Commissioners. No application shall be considered complete unless accompanied by the fee as herein prescribed.

D. EVIDENTIARY HEARINGS.

A public hearing conducted by the Board shall be required to decide all appeals and interpretations, and to grant any variances to the provisions of the Zoning Ordinance.

E. PUBLIC HEARING DATE AND NOTICE.

Upon receipt of a properly completed application for an appeal, interpretation, or variance, the Board shall hear the case at a regular or special meeting within thirty (30) calendar days from the date of submittal of the complete application.

Notice: The Board shall give notice of evidentiary hearings on quasi-judicial cases by first class mail to the person whose appeal or application is the subject of the hearing, to the owner of the affected property if the owner did not initiate the hearing, and to the owners of all parcels of land abutting the parcel of land abutting the parcel of land that is the subject of the hearing. The notice shall be posted in the mail at least ten but not more than twenty-five days prior to the date of the hearing. A notice of the hearing shall also be prominently posted on the property that is the subject of the hearing (or the adjacent street right of way) in the same time period. If a hearing is set for a given date and a quorum of the Board is not present, then the hearing shall be continued until the next regularly scheduled Board meeting by announcement by the Chair without further advertisement. In addition, the Board may without further advertisement, continue a hearing to a date certain after the hearing has been called to order. The hearing notice shall include the location of the property subject to the hearing, the general nature of the matter being heard, and the date, time, and location of the hearing.

F. CONDUCT OF HEARING.

All Board evidentiary hearings shall be conducted in a quasi-judicial manner.

Any party may appear in person or be represented by agent or by attorney at any hearing. All persons desiring to present evidence before the Board shall first be placed under oath by the Chair.

The order of business for each case presented at a Board public hearing shall be as follows:

- (1) The Chair, or such person acting as the Chair shall give an opening statement regarding the nature of the hearing and the process that will be followed. The Chair shall poll all board members participating in the case if they have any conflicts of interest, participated in any ex-parte communication or are bias to the case. Any such indication in the affirmative shall be disposed of in accordance with Rule III. C. before proceeding. Issues of standing, participation of board members and other issues shall be addressed.
- (2) All persons desiring to give testimony, and having signed up beforehand with the Secretary to present evidence or arguments, shall be sworn in. In the event any individual(s) declines to be sworn, she or he may still be

- heard, but shall be advised by the Chair that the Board will consider their statements merely as information, not as evidence;
- (3) The Zoning Administrator, Secretary to the Board or such other person as the Chair may direct, shall give a preliminary statement of the case including a summary of the facts and relevant ordinance materials. Additionally the application, supporting materials, staff reports and any other written materials received and distributed prior to the hearing shall be introduced into the record;
 - (4) The applicant shall present evidence and arguments in support of his or her application;
 - (5) Persons opposed or in favor of granting the application shall present arguments and any applicable evidence against the application, including staff whom an appeal is being taken;
 - (6) Other persons may present evidence for the application;
 - (7) Staff shall make recommendations to the board for special use permits and variances;
 - (8) Both sides will be permitted to present rebuttals to opposing testimony, and cross-examine the opposing party (ies). The Chairman shall ensure that cross-examinations are conducted with brevity and decorum, and limited to matters directly relevant to the case at hand
 - (9) Closing statements summarizing the evidence, which has been presented, may be given to all interested parties.
 - 10) The Board shall subsequently and publicly discuss the case, and make a determination of the case. The Chair can call upon the Zoning Administrator for input, clarification, etc. as deemed desirable. Board members, however, may seek further input, clarification, etc. from persons previously sworn and eligible to give evidence who are seated in the audience on any piece of evidence heretofore presented. The Chair shall allow all witnesses to be heard but may limit testimony or evidence that is irrelevant, repetitive, incomplete, hearsay, or inadmissible opinion testimony.
Cross-examination of any rebuttals by opposing parties at that time shall be permitted. The Chair may establish reasonable procedures so that it is done in a fair, impartial, and efficient manner. .
 - 11) The Board shall not be limited in consideration of such evidence as would be admissible in a court of law, but all decisions must be based on competent, material, and substantial evidence properly presented at the public hearing. Upon completion of the presentation of the evidence and recommendation by the staff, the Board shall discuss the case amongst themselves in open session and may recall any witnesses for further questioning.
 - 12) The Board shall render a decision by voting on the matter in the manner prescribed in Rule IV. E, or, if it so chooses, the Board may continue the

public hearing to a publicly stated date, time, and location.

Notwithstanding any such continuation, a final decision on the case may be made no later than thirty (30) calendar days after the public hearing was concluded, or at the next regularly scheduled meeting of the Board following the hearing conclusion, whichever occurs later.

G. REHEARINGS.

An application for a rehearing may be made in the same manner as provided for in the original hearing. All applications for a rehearing shall be made within thirty (30) calendar days after the decision of the Board has been filed at the Town Planning and Inspections office. Evidence in support of any application for a rehearing shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The application for a rehearing shall be denied by the Board if, from the record, it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that such a change has occurred, it shall thereupon treat the request in the same manner as any other application.

H. DECISIONS.

1. **Time.** Decisions by the Board may be made within thirty (30) calendar days after the date of the hearing, or any continuation thereof, was concluded, or at the next regularly scheduled meeting of the Board following the hearing conclusion, whichever occurs later.
2. **Voting at Hearings.** Voting on any issue placed before the Board shall be conducted in accordance with Rule IV. E. Before granting a variance, an appeal of a staff decision or special exception the Board shall be in the form of a motion and second. The motion shall specifically state any conditions desired to be made a part of the decision and shall reference any documents and/or maps, as submitted with the application. Any such references with the motion shall be made part of the record. Each vote shall be recorded. If the request is denied each member of the board shall state the rationale and facts of findings behind denying the application.
3. **Form.** Written notice of the decision in each case shall reflect the board's determination of contested facts and the application of the pertinent standards to those facts.
The written notice, otherwise known as the order shall be sent by first class mail, emailed or hand-delivered to the applicant, property owner and to every aggrieved party who has filed a written request for such notice with the Zoning Administrator within thirty (30) calendar days after the case is decided. The Chair or other duly authorized person shall sign the document. The final decision of the Board shall then be concurrently filed in the office of the Town Planning Director or Secretary to the Board and at the Wilkes County Register of Deeds for the applicant property. The final decision shown in the record of the case shall be entered in the minutes of the Board. The minutes shall show the

reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. All decisions of the Board shall be available for public inspection.

I. BOARD DECISION APPEALS.

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

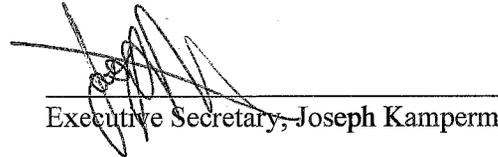
VI. AMENDMENTS.

These rules, within the limits allowed by law, may be amended at any time by a unanimous vote. Otherwise consideration of the proposed amendment(s) shall be at a special called meeting or the next regularly scheduled meeting. Best practices are to review these rules annually.

Amended this 13th day of March 2025.



Mike Staley, Chairman of Board



Executive Secretary, Joseph Kamperman