

A BOARD OF ADJUSTMENT FOR DUPLIN COUNTY

Rules of Procedure

- 1) The Board of Adjustment is a quasi-judicial body.
- 2) Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the majority of the Board may determine.
- 3) All meetings of the Board of Adjustment shall be open to the public.
- 4) The Board shall keep minutes of its procedures, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be taken, all of which shall be on public record.
- 5) A quorum is not obtained unless three voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until three voting members are present and vote. Duplin County Board of Adjustment Ordinance Article 3 – Duties
- 6) As required by N.C.G.S. 160D-406(i), no final action shall be taken on a variance without the concurring vote of four-fifths (4/5's) of the members of the Board. All other quasijudicial matters require a simple majority vote by members of the Board.
- 7) As early as possible in each new year of the Board, the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses. The Board may elect such other officers as the Board deems best.
- 8) All decisions of the Board of Adjustment run with the land, never the person or corporation.
- 9) The minutes of the Board of Adjustment shall be kept in such detail as necessary, and do not reflect official action of the Board until adoption of same.
- 10) Minutes shall be filed in the office of the Administrator, as a public record.
- 11) The Board of Adjustment shall have the authority through the chair, or in the chair's absence anyone acting as the chair to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. 160D-406(g).
- 12) Each quasi-judicial decision shall be reduced to writing and reflect the boards determination of constructed facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifics.