

Board Chair:

Ike Holt, III

Planning Director:

Matthew Hoagland



Commissioners' Meeting Room

124 W Elm Street

Graham, NC 27253

July 17, 2025 at 5:30 PM

ALAMANCE COUNTY BOARD OF ADJUSTMENT AGENDA

I. CALL TO ORDER

II. OLD BUSINESS

1. Approval of June 19, 2025 Meeting Minutes
2. Approval of RV Parks of the Triad, LLC Official Decision.

III. NEW BUSINESS

1. Amending Rules of Procedure (Annual Meeting / Timely Decisions)
2. New Board Member Training/Presentation

IV. ANNOUNCEMENTS/DISCUSSION

V. ADJOURNMENT

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Alamance County Board of Adjustment Minutes

Members Present:

Isaac Holt
Debra Hyder
Michael Owens
Michael Wilson
Ray Cobb

Members Absent:

Staff Present:

Matthew Hoagland, *Planning Director*
Keyshawn Haith, *Planner I*
Michelle Horn, *Assistant County Attorney*

Alternate Members Present:

Rena Matthews
William Poe

I. CALL TO ORDER

Mr. Hoagland called the meeting to order at 5:30 p.m. in his capacity as planning director since the board had not yet officially elected chair and vice chair for the year.

II. OATHS OF OFFICE

Mr. Hoagland recognized Mrs. Rena Matthews and Mr. Bill Poe, who were recently appointed as alternates to the board. As such, they will need to take their oaths in accordance with N.C. General Statute 160D-309. He noted that Assistant County Attorney Michelle Horn was present and can administer oaths in her capacity as a Notary Public. Mrs. Horn administered the oaths to Mrs. Matthews and Mr. Poe.

III. ELECTION OF CHAIR AND VICE CHAIR

Mr. Hoagland said the board's first order of business is to elect a new chair and vice chair for the remainder of the year. He said that he would oversee the election of chair and then turn the meeting over to the newly elected chair to conduct the rest of the meeting. He then asked if there were any nominations for chair of the board.

Mr. Cobb made a motion to nominate Ike Holt to serve as chair. Mike Owens seconded Mr. Cobb's motion. Mr. Hoagland asked if there were any other nominations for chair. Hearing none, Mr. Hoagland asked for those in support of Mr. Holt to serve as chair to signify by saying "aye." The vote for Mr. Holt was unanimous.

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Mr. Holt then opened the floor for nomination of a vice chair. Mr. Owens made a motion to nominate Ray Cobb. Mr. Holt seconded Mr. Owens' motion. The vote for Mr. Cobb as vice chair was unanimous.

IV. OLD BUSINESS

Mr. Holt asked if there was a motion to accept the minutes of the March 21st, 2024 meeting. Mr. Cobb made a motion to approve the minutes, which was seconded by Mr. Owens. The vote to approve the minutes was unanimous.

III. NEW BUSINESS

1. Adoption of 2025 Meeting Calendar

Mr. Holt summarized the proposed calendar for the board, which is set for the 3rd Thursday of each month at 5:30 in the current room unless no meeting is necessary. He noted that the calendar can also be changed later if necessary.

Mr. Cobb made a motion to approve the 2025 Calendar. Mr. Owens seconded the motion and it was approved unanimously.

2. Pravette RV Parks of the Triad LLC Variance Hearing

Additional parties present:

Applicant Myron Prevatte, representing RV Parks of the Triad, LLC

Attorney E. Lawson Brown, Jr, representing Mr. Prevatte

Mr. Holt: The next thing—I'm going to do a little swapping around on our agenda for tonight—is making an amendment to the Rules of Procedure for our board. This may go into a little bit more discussion than what Matthew is aware of. I have a couple of ideas that I want to add. So rather than keeping the main focus of our meeting tonight postponed—and we have people here with us—we'll move on to the RV Parks of the Triad variance hearing. So let me formally open that hearing now.

As customary, I need to swear in all the people that will participate tonight. That includes county staff as well as members. And if there's anyone in the audience that would like to address this board later on, I will address that issue a little later. So if everyone that needs to take this oath will please stand, I'll be glad to administer it.

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Mr. Hoagland, Mr. Prevatte, and Mr. Brown Jr. all stood and raised their right hand.

Mr. Holt swore in the above parties by stating the following:

"I, please state your name...

Do you solemnly swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God?"

All parties affirmed.

Mr. Holt: Matthew, will you please present to the board the county's position on this variance request and a little bit of history?

Mr. Hoagland: Applicant Mr. Myron Prevatte, representing the development known as RV Parks of the Triad, LLC, is requesting a variance from the provisions of Section 6.14.1, Subsection B.1 of the Unified Development Ordinance. That section states: "RV parks shall have a clearway of 30 feet."

Mr. Prevatte has applied to construct a recreational vehicle park on the property located at 4441 Swepsonville-Saxapahaw Hall Road. This development has already been reviewed by the County's Technical Review Committee and is otherwise approvable pending other permits.

On April 24th, 2025, it was discovered that a portion of the required clearway is narrowed by an existing barn on the west side and three large oak trees on the east side of the travel area.

This narrows the clearway down to 25 feet in that section. It's depicted more clearly in the exhibit for variance, which was included in your agenda packet. Mr. Prevatte is requesting to reduce the clearway to 25 feet in this one section, instead of the required 30 feet. The UDO defines a clearway as follows:

"A cleared area of land in a manufactured home park that is free of all obstacles that would prevent access by vehicles for emergency or other purposes. The clearway is privately owned by the manufactured home park operator."

The standards for granting a variance are found in Section 2.3.1(A) of the UDO. They state that the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

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1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances or from conditions common to the neighborhood or the general public may not be used as a basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge of the circumstances does not create a self-inflicted hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation such that public safety is secured and substantial justice is achieved.

As you deliberate tonight, please evaluate this variance request against each of those four criteria and make a determination for the public record. Pursuant to Section 2.3.3 and state law, a 4/5 vote is necessary to grant a variance.

At this time, Mr. Chairman, I would like to enter all of the documents related to the variance into the public record—unless there is an objection. That would include the email exchange with the Fire Marshal, which came after the agenda packets were sent out.

There were no objections.

Mr. Holt: Before I move on, I'd like to poll each board member. Now that we know who the applicant is and the variance has been reported, I want to ask each member if there's any potential conflict of interest.

Mr. Cobb: I'd like to recuse myself, Sir.

Mr. Holt: You feel that you have a conflict of interest in this case?

Mr. Cobb: I've known Mr. Myron Prevatte for quite some time. I know Mr. Lawson, Mr. Lawson's wife, and Mr. Prevatte's wife. I would prefer, personally, not to be involved in this issue.

Mr. Holt: OK, I'll accept that and allow you to be recused.

Mr. Cobb: Thanks, Sir.

Mr. Holt: Mr. Mike Wilson?

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Mr. Wilson: I have no conflict.

Mr. Holt: Debra Hyder? Mike Owens?

(No objections noted.)

Mr. Holt: OK. According to procedure, we have two alternate members here tonight. Rena Matthews, I believe that's you. Please come forward. It's a good way to get broken in—everybody was sitting up here.

Mrs. Matthews made her way to the seat vacated by Mr. Cobb alongside the remaining board members. Mrs. Matthews then indicated that she was ready to participate.

Mr. Holt: For the record, please state your name.

Mrs. Matthews: Rena Matthews.

Mr. Holt: This is Rena's first meeting with the Board of Adjustment, so I want to take a moment to welcome you to the board. You're here just for the variance request. After we finish, if Mr. Cobb is still available, he'll resume his seat.

Let me also say that I normally go into a presentation before I begin, but because Mr. Prevatte is represented by Mr. Brown—who I know has briefed him well—I'll skip that. Just to explain briefly, we are a quasi-judicial board, which means we operate like an appellate court. Everything we do has to be based on fact. That's why we swear people in. We are bound by North Carolina General Statutes. So, while you might feel sympathy in some cases, we have to be guided strictly by the facts and the law.

I trust you were paying attention when Mr. Hoagland gave his presentation.

Mrs. Matthews: I was.

Mr. Holt: Great. Once Mr. Brown and Mr. Prevatte present their case, I'll open it up for questions. Normally, I start with one question, then go to each member, and then open it up for broader discussion. There are four main issues Matthew touched on that we'll need to vote on individually. He stressed that if anything is unclear, feel free to ask. We're all here to help. Again, welcome to you and Mr. Poe, as alternates. Now, let's get started.

Mr. Holt: Mr. Brown, would you like to present Mr. Prevatte's position?

Mr. Brown: It was interesting when Myron called me and said, "I've got a hearing before the Board of Adjustment." I said to myself, "Well, I've been doing this for 50 years—this

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September—and I didn't even know Alamance County had a Board of Adjustment.” They're fairly new, less than two years old.

Myron is going to testify that he's been working on this RV park for several years. The critical issue for us is whether this presents a safety issue. And I think the file reflects that the fire department has no concerns about passage over this short stretch of road. That's the critical thing.

But we need to establish all the facts that you need in order to rule in Mr. Prevatte's and RV Parks' favor. Thank you all for your service. I served for 15 years on the City of Burlington's board, and as many of you know, I'm also the in-house attorney for the City of Mebane and part of the Vernon Law Firm.

I've been doing this a long time. With me tonight is Chandler Woods, who is new to our firm. He's a Southern Alamance High School graduate and currently serves on the Board of Adjustment in Burlington. I asked Chandler on the way here, “How much have you heard about this case?” And he said, “zero.” So we're all in learning mode tonight.

I'd like to hand up some exhibits that I think are important. One of the things I like to do when I go to court—or to a board meeting—is to prepare a draft order. Now, Mr. Hoagland and Ms. Horne will ultimately prepare the official order—hopefully in our favor. But even if not, one will still be created.

I've prepared a draft order that lays out a number of key facts, along with some supporting exhibits that we'll be testifying about. Normally, in a courtroom, I wouldn't testify directly—I'd just put Mr. Prevatte on the stand and let him testify. But in a quasi-judicial setting like this, I like to be sworn in as a party representative.

So with no further ado, I'd like to introduce Mr. Prevatte and ask him a few questions.

Mr. Brown: Myron, would you please state your name for the record?

Mr. Prevatte: Myron Homer Prevatte.

Mr. Brown: And what is your relationship with the applicant RV Parks of the Triad?

Mr. Prevatte: I'm the owner.

Mr. Brown: And are you the member-manager as well?

Mr. Prevatte: Yes.

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Mr. Brown: I will not hand you a paper writing—everyone on the board will have a copy. Can you identify this site plan?

Mr. Prevatte: This site plan shows 11 RV sites at 4435 Swepsonville-Saxapahaw Road.

Mr. Brown: How long have you been working on this project?

Mr. Prevatte: Four years.

Mr. Brown: Prior to you being here tonight, was there an RV park ordinance at all?

Mr. Prevatte: No. There was only a mobile home park ordinance at that time.

Mr. Brown: So that was a stumbling block for you proceeding with your RV park. And how was that a stumbling block?

Mr. Prevatte: Well, the way the ordinance was written, a lot of it just doesn't apply well to RV parks. I mean, setbacks were an obstacle, at first there was a 60-foot clearway that was originally required—not 30. But when you factor in septic fields, 40-foot setbacks—one of which I even have on a lot I own next door—it really limits what you can do.

You take a 150-foot-wide lot, apply the setbacks, and add the 30-foot clearway requirement, and you're out of usable space. After Matthew came onboard with the county, I went back and spoke with him. I didn't think I was going to be able to do this RV park. But he said, "Tell me everything you can do and what you can't do based on the ordinance."

I think I've met everything required by the ordinance—except for this one section. I realized late in the process that the barn and oak trees were creating an issue. The oak tree roots are growing under the barn. When Duke Power came to install the electricity lines, one of the roots was rather large—coming right under the barn. It would be detrimental to try to remove those trees just to gain a five foot variance that I'm asking for.

So what I'm asking for is this: the ordinance requires a 30-foot clearway with a 24-foot-wide road. I'm requesting that in this section—in front of the barn—it be allowed to have a 25-foot clearway, but still maintain the 24-foot-wide road. That way, trucks, fire trucks, emergency vehicles will still have a 24-foot wide road to travel on.

Mr. Brown: Now let me direct your attention to the exhibit that each board member has as well. Does this exhibit accurately show the area where you are requesting the variance?

Mr. Prevatte: Yes, it does.

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Mr. Brown: Does it show the 42-inch and 40-inch oak trees that are more than 100 years old?

Mr. Prevatte: Yep.

Mr. Brown: And does it show the barn, which is at least 70 years old?

Mr. Prevatte: Yes, it does.

Mr. Brown: I will hand you another exhibit which the board should have as well. Does this fairly and accurately represent the position of the barn and trees at issue?

Mr. Prevatte: It does, yes.

Mr. Brown: In addition to that, there's an additional photograph that I've given to each of you. Does this fairly and accurately represent the uh...

Mr. Prevatte: It does.

Mr. Brown: I have two other photographs that are part of your package. Does this fairly and accurately represent the position of the trees and barn that are on the ground?

Mr. Prevatte: It does.

Mr. Brown: Is it your understanding that there is adequate width over this short space in which emergency and fire vehicles can access all of the property shown on your site plan.

Mr. Prevatte: Yes, and actually there were three Fire people who came out when I was there that day and they all said there's no problem with it from there standpoint.

Mr. Brown: I'm going to testify on these last three exhibits which are from the county's GIS. Basically, we went back and took aerial photographs as far back as we could find county records and they show that the barn existed prior to 1984. So, the barn has been there for a long time. Mr. Prevatte, I assume you did not plant those oak trees there or build or enlarge the barn?

Mr. Prevatte: No. The only thing we've done is some cosmetic work to the barn.

Mr. Brown: Mr. Chairman, I'd like to enter all of these exhibits into evidence as part of this file. I'll also point out, as Mr. Hoagland aptly stated, that the fire department is satisfied with this particular five-foot variance.

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I'd also like to call your attention to one exhibit highlighted in yellow. It shows that the total square footage of the variance represents just 6.69% of the total roadway. This is a very short section of road on this particular exhibit that you also have.

Based on all of that, I think that we have satisfied the evidence for the unnecessary hardship. In my opinion as a professional land planning attorney, it is a public benefit to preserve a historic barn and century-old trees the size that those are.

You've heard that Mr. Prevatte has worked with the county for over four years on this. And we appreciate Mr. Hoagland's cooperation and assistance with this matter. We think that this request is consistent with the spirit, purpose, and intent of the regulations and that no public safety or harm is created by this, and substantial justice is achieved.

The hardship resulted from the presence of the barn and the trees when Mr. Prevatte purchased the property. He was unaware at the time that this specific clearway regulation existed. I believe public safety is accomplished, and the hardship is due to existing site conditions of the barn and trees that deserve preservation.

We are happy to answer any questions you may have about the exhibits or Mr. Prevatte's testimony.

Mr. Holt: Before we move on, I need to rule on the packet that you've given us. Because we've not seen it until tonight, I have a couple of questions. Without having time to study and read through it—who took the pictures?

Mr. Prevatte: I took the pictures.

Mr. Holt: So, you're willing to swear that those are indeed pictures of the property?

Mr. Prevatte: Absolutely.

Mr. Holt: Then I'll gladly allow the photographs into the record. I'm a little hesitant about the rest of the packet, since we haven't had time to fully review it. Now, if you think it's critical, we can take time now to read it.

Mr. Brown: I don't think it's necessary to read the proposed order at all, Mr. Chair. I'll withdraw that request. That was presumptuous on my part—it's just something I routinely do as part of my process.

Mr. Holt: Fair enough. Let me rule that we will accept the photographs into the record, and the rest will be noted as withdrawn. And I believe part of what you referenced was

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already in our county packet, which we've had time to review. Anything further before we move to questions?

Mr. Brown: Nothing further.

Mr. Holt: OK. Then I'll open it up for our board's questioning session.

Mr. Brown: We would just like to reserve the right to address any questions that may arise.

Mr. Holt: Matthew, I have a question. This 30-foot clearway—mentioned in the Unified Development Ordinance—is that based on a state regulation? Or where does that come from?

Mr. Hoagland: I'm not aware of any state regulations related to clearways or right-of-way widths for RV parks. As far as I understand, it's a local requirement set by the county.

Mr. Holt: So the 30-foot clearway is strictly a county regulation. OK. Mike Owens, do you have any questions?

Mr. Owens: Yeah, I've got a few. You said earlier that the tree roots are under the proposed driveway. Do you think that could that be a problem in the future?

Mr. Prevatte: I couldn't say for sure. I'm not an arborist.

Mr. Owens: Do you know how wide a fire truck is? Or an ambulance? Who from the fire department came out and looked at the site?

Mr. Prevatte: It was the Fire Marshal—John Payne, I believe.

Mr. Owens: But he didn't send a letter, right? The Deputy Fire Marshal, Jessie Gwynn, did. Did you ask John Payne for a letter?

Mr. Prevatte: He told me he would follow up with Matthew and let him know everything was OK. We do have an email that came from his office, I believe.

Michael Owens: That one tree closest to the barn—do you know how many feet it is from the barn?

Mr. Prevatte: It's about 25 feet.

Mr. Owens: Did you ever consider removing that tree? It looks like if you took just that one out, you'd gain more clearance.

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Mr. Prevatte: No, they're all pretty close. All within that 30-foot margin.

Mr. Brown: I'd just like to note that we do have the June 16th email at 3:32 p.m. from Jessie Gwynn, Deputy Fire Marshal, stating that the Fire Marshal's Office is satisfied with the proposed road width at the RV Park of the Triad site and I think Mr. Hoagland referenced that earlier.

Mr. Holt: Yes, we've reviewed that email in our packets.

Mr. Owens: For reference, I did a little research. The average fire truck is about 10 feet wide, same as an ambulance. For example, a Ford F-550 ambulance is 106.5 inches wide, mirror to mirror. So technically, if two emergency vehicles had to pass through there it could be done.

Mr. Prevatte: It is designed to be a one-way road.

Mr. Owens: As far as the variance is presented, public safety must be considered. Even so, in an emergency situation, like if a volunteer firefighter is trying to get in and it's dark, visibility matters. I don't see any lighting on your barn. There are a lot of things to consider. By the picture, if you just took one tree out it would make it so much wider. You also mentioned that the county changed the game on you. These are two separate lots, correct?

Mr. Prevatte: Yes, three actually.

Mr. Owens: So, the first part that you did, you didn't have all the rules that you have now.

Mr. Prevatte: Right.

Mr. Owens: But this vacant land that you have, which is separate, that's when you went to apply for a new permit? You would have been grandfathered in...

Mr. Prevatte: I was grandfathered in.

Mr. Owens: ...if it had all been one parcel. If you were grandfathered in we wouldn't be here. I'd still be in the hay field.

Mr. Prevatte: Well it was grandfathered in from the first TRC meeting that I went to.

Mr. Owens: Well, if you have two different parcels, the way I understand it is if you did one project previously then you start a new project now...

Mr. Prevatte: I didn't do that, though. What I bought was there. What I've got right now was already there other than the infrastructure I put in for this RV park.

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Mr. Owens: What do you mean already there?

Mr. Prevatte: Well on one parcel of land I've got four mobile home lots that were already there. Then I was going to add 18 but the way the ordinance was written, I couldn't.

Mr. Owens: But regarding the property we're talking about right now. It didn't have any RVs or mobile homes on it, so it is a new project?

Mr. Prevatte: Yep.

Mr. Owens: OK, that's all I've got for now.

Mr. Holt: Debra Hyder, do you have any questions?

Mrs. Hyder: No, sir. I'm just listening to everything.

Mr. Holt: Mike Wilson?

Mr. Wilson: No, I don't see any issues. I don't have any questions.

Mr. Holt: Rena Matthews?

Mrs. Matthews: I do have a few questions, but I think I'll save them for later. Mr. Owens asked some very good questions, and that helped me understand the situation a little bit more. So, I'll pass for now.

Mr. Holt: Matthew, anything further the county would like to say?

Mr. Hoagland: There were a couple of points brought up during discussion where I considered interjecting, but I didn't want to interrupt. So, you may have to refresh my memory but I'll try to address them now.

From the county's perspective, this is a new development. I believe there's documentation from 2021 about an initial submittal, but typically with regards to TRC submissions, if a project goes more than a year without moving forward, then it's treated as a new proposal.

Regarding the Fire Marshal's email—if the board feels that what I'm about to say is not appropriate to include in the record, that's perfectly. But I think the thing that's important about the Fire Marshal's email is that there's a distinction that is worth noting between the road width, which is part of the Fire Code that they enforce, and the clearway width requirement is specific feature of our county ordinance. Those are two different things.

Mr. Holt: And I believe Jessie addressed that in his email?

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Mr. Hoagland: Yes, he did. Also, John Payne is out of town this week. He felt it would be more appropriate for Mr. Gwynn to weigh in. That's why you received the email from the Deputy Fire Marshal instead.

Mr. Holt: Do you know whether Jesse actually visited the site?

Mr. Hoagland: I believe the Fire Marshal's Office visited the site, yes.

Mr. Brown: I can confirm that—John Payne, Jessie Gwynn, and another individual from the Fire Marshal's Office came out and inspected the site.

Mr. Holt: Mr. Prevatte, one of the things we have to consider when making our decision is how this could set a precedent. I understand this is not a property line issue—you own other property there. But the layout of the lot is what determined the road placement.

Having served on the Alamance County Planning Board for a number of years, years ago, we talked about travel ways, rights of way, and similar subject. In fairness to you, I remember the Fire Marshal's office and rural fire departments had a big say so in those things about having adequate travel ways. I've owned and operated a lot of big equipment, I know spacing, turning is critical also. But the point I want to make is that we have to also take into consideration—now, you're only asking for a variance on a small portion of the road, which I understand. But I think Mr. Owens brought up a good point—we want to avoid creating a bottleneck.

Mr. Prevatte: I understand. This 24-foot-wide road is wider than a state road.

Mr. Holt: I understand. But in looking at these pictures, how quickly does the road turn once you get to this building?

Mr. Prevatte: See that post back there in the back beside the truck? The road is on this side of that. I'd estimate the distance to the turn is about 100 feet from where the road enters off Swepsonville-Saxapahaw Road.

Mr. Holt: OK, you lost me there, can you show me again please?

Mr. Brown: (pointing at the large monitor on the wall) It come in here and of course this is 30 feet wide until here is about 100...

Mr. Holt: So, here's the setback right here. And where is the barn there?

Mr. Brown: The barn is right there (gesturing to image).

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Mr. Holt: Got it. I'm sorry, I just had a cornea replacement three weeks ago, so my vision is still not up to par.

Mrs. Matthews: Do we have a way to put this on the screen so everyone can see?

(various background chatter about technical equipment)

Mr. Prevatte: So, here's the cutaway here at the barn. If you come off Sweeps-Sax Road and come down to here you're actually about 90 feet to the barn; so that 100 that I estimated earlier was pretty close. You come in and turn here, it's 30 feet wide here until it hits this curve, and then narrows to 25 feet but opens back up to 30 feet on the other side of those trees and the barn.

Mr. Holt: I'm still not following that.

Mr. Hoagland: That layout is also depicted in the exhibit we included in your packet.

Mr. Holt: OK, I see. That's the barn on the left there.

Mr. Prevatte: Now that's 30 feet here (gesturing toward image). Twenty five in here and then it goes back to 30 on the other side of the barn.

Mrs. Matthews: Ok, thank you.

Mr. Holt: Matthew, now, just for clarification—not related to this specific variance—but does the ordinance allow for 90-degree turns in an RV park road without requiring a clear sight distance?

Mr. Hoagland: The RV Park Ordinance doesn't really speak to curves, right angles, or sight distance.

Mr. Holt: That's unusual. Most road design standards address those issues.

Mr. Hoagland: I agree. It's a little outside the scope of this hearing, but that's a good point. That's something that might need to be clarified in future updates. It would be helpful to both administrators and developers to have more clarity.

Mr. Holt: Mr. Prevatte, back to the proposed road, is this going to hook onto another existing road?

Mr. Prevatte: It ties into this drive and then comes back out to Swepsonville-Saxapahaw Road.

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Mr. Holt: So that's why you said it was a one-way deal?

Mr. Prevatte: Right.

Mr. Owens: Can we back up for a minute? You made the comment that you had started this project then the time frame got you and you went back and started this. I don't want to put words in Mr. Hoagland's mouth, but he basically said that he wants you to come back and tell him what you could do.

Mr. Prevatte: Well what we were going to at the time was to come back and ask for variances, if I needed them. When I went and spoke to Mr. Hoagland in the beginning, he said you went to the TRC meeting and I think he said we could be grandfathered in for that meeting. Then he said go back and look at what variances you need and what you don't need. So, after that we went a little further...

Isaac Holt: Now who was that talking?

Mr. Prevatte: That was me talking with Matthew (Mr. Hoagland).

Mr. Holt: OK.

Mr. Prevatte: So, when I went back and looked at it, I had to rearrange some things. But I figured out a way that I could meet the ordinance until I ran into this issue here. So, I've met everything else required by the requirements.

Mr. Owens: So, the setback on the adjoining property, which you own, that caused you a hardship too. And I'm just asking, was there a possibility that you could put those two lots together?

Mr. Prevatte: Was it because of mixed use? Was that the reason that we couldn't do that?

Matthew Hoagland: To put both of those lots together? I don't remember all the details of our conversation, but I know that because there were already existing structures on that property, that we talked about how it would be easier to develop the RV park from a blank slate.

Mr. Owens: I will say, I did get the measurements of the fire truck for the very reason of, when I had my notes, for the clearway to be wider than the state highway and they pass on that every day. I believe that's 10 feet wide. So that's all I've got.

Mr. Hoagland: Mr. Chairman, I feel like I should clarify a little if I may, recalling my conversations with Mr. Prevatte. As I recall it—and this isn't speaking negatively at all—but as I recall it, the first or second time I met Mr. Prevatte I was relatively new in the

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director position. From your previous interactions with the county, it was my understanding that between then and when you and I met, the county had adopted the RV Park Ordinance. My understanding was that you were under the assumption that the new ordinance was particularly onerous and would make it difficult for you to develop your property.

Mr. Prevatte: Yes.

Mr. Hoagland: To me, the tone of our conversation was that if you wanted to draw up plans and submit those for review then we could go back and forth with you, talk about options, talk about configurations so that you could make use of your property within the spirit of the ordinance. I do not recall suggesting that you request a variance and I don't think that I would have.

Mr. Prevatte: You might not have suggested it but that's how I took it. If there were any variances needed then I could probably go—and back then we used to go to the Planning Department first for a recommendation and then it would go to the County Commissioners.

Mr. Hoagland: So, that's more of the tone of the conversations that I remember we had.

Mr. Holt: Ok, before I close the meeting to them for us to deliberate, do any board members have any other questions?

(No additional questions from board members)

Mr. Holt: Anything more from the applicants?

Mr. Brown: Just that, in summary, we think safety is protected and we thank Mr. Owens for checking the width of the service vehicles that we are concerned about.

Mr. Holt: Anything further from you, Matthew?

Mr. Hoagland: No sir.

Mr. Holt: Ok, then I'm going to close the comment section, and we'll deliberate this among ourselves. I will say this, Mr. Prevatte, and I'm sure Mr. Brown has already told you, the four questions that we have to take into consideration and act upon is required by state law. There again, it's sort of like when someone comes before us, it has to be factual that that's the reason, you know, I question about the pictures, photographs, who took that we had to make. We had to be satisfied that it's factual. So, with that, Mike, what's your feelings?

Mr. Owens: In short, I would vote to grant the variance.

Mr. Holt: You would vote, yes?

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Mr. Owens: Yes, Sir.

Mr. Holt: And, Debra, how do you feel about it?

Mrs. Hyder: I agree with that.

Mr. Holt: Mike Wilson?

Mr. Wilson: Same here. I rode out to the site yesterday and just rode through it and I've driven big pieces of equipment. I used to drive a 45-foot bus, and I could have put it through there at 30 miles per hour if I needed to. So, I don't have a problem with it.

Mr. Holt: Rene?

Mrs. Matthews: So, I agree. It was just a short section that did not...that was down to 25, I mean. And everything else was in order, so I agree.

Mr. Holt: OK. One of the things that we can't consider here is the expense that's associated with any improvements. The ordinance, the state law says specifically that that's not an issue that we can take into consideration. One of the things that I think a little bit about was that I know it's expensive to have trees taken down. I had some trees taken down last year, three trees around the house cost me \$10,000.

Mr. Wilson: Takes a long time to grow a tree. Yeah, especially one that size.

Mr. Holt: So, I know that, you know, it's something to think about. OK, having said all that, is there no further discussion?

Mr. Owens: Well, I think he met all four.

Mr. Holt: OK. Well, let's go one by one just for the record, and I'd like to have a motion on each, each item individually. I'll read them out. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that in the absence of the variance, no reasonable use can be made of the property. I'll be glad to entertain a motion.

Mr. Hoagland: Mr. Chairman, I'll just make a quick note that as you make your motions and seconds and put a point on it, whether you vote yes or no. A statement of finding of fact is helpful in building a proper case as we summarize the case for the record.

Isaac Holt: Yes, that's the reason we'll need some statement of fact. Yes, sir. And also for our new member, I didn't tell you this, for a variance to be approved, it takes four fifths vote. It's not just a simple majority vote. Under our normal regulations, it's a regular

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majority, but under a variance request it takes four fifths. So, does anyone have a motion for me on item number one?

Mr. Owens: I'll make a motion.

Mr. Holt: And what does your motion say?

Mr. Owens: He does meet the unnecessary hardship for several reasons. One, right out of the gate, because of the ordinance's 30-foot requirement when the state road is only 24 feet. So, he's been put in a hardship on his particular land and the state is playing by different set of rules.

Mr. Holt: So let me restate it so that I understand. You're making a motion that that we say he does have a hardship based on the fact that the State of North Carolina, on their D.O.T. roads, does not require a wider travel way. That's the motion, is there a second?

Mr. Wilson: Second.

Mr. Holt: All—any discussion? All in favor say aye.

All Members: Aye.

Mr. Holt: Let it be shown that it was unanimous. As to requirement number two, I'll read it. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood, or the general public may not be the basis for granting a variance. A Variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act, which doesn't apply. I'll be glad to entertain a motion here as well.

Mr. Wilson: I'll make a motion that it satisfies the paragraph two.

Mr. Holt: Ok, based on what?

Mr. Wilson: Based on that, it's particular to that condition. You've got trees and a building, which would be a hardship to replace or to move.

Mr. Holt: OK, let me make sure I understand. You're making a motion that that we say: "That the hardship results from conditions that are already there."

Mr. Wilson: Yes.

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Mr. Holt: OK. And you don't think it needs to be moved, and it really does not. It really does not create a hardship that's not workable.

Mr. Wilson: Correct. I mean, Mother Nature could move it tonight. Who knows? But we don't need to be requiring him to move it.

Mr. Holt: OK, there's a motion and a second on the floor. As to the second question that the hardship creates a handicap that is really not a hardship in this situation to not grant a variance. Is that fair?

Mr. Wilson: I think I'm not sure exactly what you said. You talked like a lawyer. You're talking backwards.

(background laughter)

Mr. Holt: In other words, what we're saying here is what your motion is...that that we don't consider a hardship that that can't be overcome. Right. Is that good enough for you, Matthew?

Mr. Hoagland: Yes, we'll add that to the record.

Mr. Holt: Ok, all in favor, say aye.

All Members: Aye.

Mr. Holt: All opposed?

Mr. Hoagland: Did we get a second for that motion?

Mr. Owens: We didn't have a second. I'll second.

Mr. Holt: All in favor? (All members vote "aye"). Let the record show it's unanimous.

The third hurdle. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge of circumstances that exist may justify the granting of a variance if it is not a self-created hardship. I'll be glad to entertain a motion here.

Mr. Wilson: That's pretty much already been stated, hasn't it?

Mr. Holt: So, you make a motion?

Mr. Wilson: I will.

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Mr. Holt: That that the hardship is not a result...

Mr. Wilson: ...of anything he did.

Mr. Owens: I'll second.

Mr. Holt: There's a motion and a second. Any discussion? All in favor say "aye."

All Members: Aye

Mr. Holt: All opposed? Let the record show that it was a unanimous decision.

The last hurdle. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

Mr. Owens: I'll make a motion. It's obvious that an ambulance can go through there. Pass through there easily. A fire truck can pass through easily. So, safety is not going to be concerned.

Mr. Holt: OK, any second?

Mrs. Matthews: I'll second.

Mr. Holt: OK. Let me restate the motion. Let me restate the motion that is required for item four. That there's a motion to say that the variance is consistent with the spirit and that it is the view of the board that it is adequate for emergency vehicles. Any discussion? All in favor say "aye."

All Members: Aye.

Mr. Holt: Any opposed? Let the record show please that it's unanimous again.

Mr. Prevatte, I believe you'll be able to proceed. The county will forward to you shortly a letter that—and I think that's what Mr. Brown was talking about earlier. I'll have to sign some documentation, but that will be out to you shortly. Matthew, can you give him a time frame on that? Maybe roughly?

Mr. Hoagland: Well, let me just read for you the statute. So, everybody's on the same page for exactly what the procedure will be. So, this is 160D-406(j) Decisions. The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal...a quasi-judicial decision is effective upon filing of the written decision with the clerk to the board—that's me—or such other official as the development regulation specifies. The decision of the board shall be delivered within reasonable time by personal

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delivery, electronic mail or first-class mail to the applicant, landowner, or any person who has submitted requesting a copy. The person required to provide notice shall certify to the local government that proper notice has been made, and the certification shall be deemed conclusive in the absence of fraud.

So, I think ideally the board will approve of it at the next meeting. Get the signed documentation and then mail it to the applicant.

Mr. Prevatte: OK, at the next meeting, next March?

Mr. Holt: We're going to address that with some further business here tonight. That's the reason I put something off here earlier.

Mr. Hoagland: Third Thursday in July.

Mr. Holt: We're going to address that here shortly.

Mr. Brown: Thank y'all very much.

Mr. Holt: OK, then let me close this variance request. Rena, thank you for your service.

Mr. Hoagland: Mr. Chairman, while we have a moment I just want to clarify. So, regarding the materials handed out by the applicant's attorney—there was the two-page findings of fact document—will not be part of the record. But, these additional photographs provided will be part of the official record?

Mr. Holt: Yes sir, just the photographs themselves and what was already in the agenda packet.

IV. ANNOUNCEMENTS/DISCUSSION

Mr. Holt: The reason that I put off amending the Rules of Procedure until now is, one, obviously we need to start meeting in this room because the one we met in previously is not available. The other thing is I want to address the regularity of our meetings. I think that under the rules of our board that we need to have a meeting in January like our rules call for and also after a variance request. I would like to see that we are required to meet either the next stated meeting date or within 60 days of the decision. The reason being is because of Matthew and his staff. There are 22 pages of minutes from our last meeting. I'm not sure that tonight will be quite that extensive but that's a lot of work for those guys period now I want to ask Matthew because I'm hitting him blindsided with this. Matthew do you think 30 days is a reasonable time to be able to come up with the minutes? In the prior variance request that we denied, should they had wanted to take that to Superior

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Court, I think it would be a black eye for the county if we had not officially signed off on the minutes of that meeting. And as chairman I bear some responsibility that maybe I should have insisted that we have that meeting earlier. I think it would be good to put that in the rules as to how we operate, and I want to discuss that among ourselves and see how you feel about it. I think we just need to stay ahead of the ball. Especially if we turn somebody down and there may be big dollar investments involved then it's not really good on our part to say that it's going to take us several months to approve these minutes. Because as far as the board is concerned our work is over here tonight with the exception of approving or not approving the minutes. So, Mike Owens what's your thinking?

Mr. Owen's stated that he did not have a problem with 60 days after.

Mr. Holt asked Mr. Hoagland about the proposal. Mr. Hoagland said that he thinks that would be fine. He feels confident that between technology and staff they could generate the minutes of a meeting within a month. He also said that procedurally the county owes it to citizens and developers to get them a decision in a timely manner so that they can proceed with their projects on their property. Mr. Holt said that he agreed and that in some cases there could be great costs involved.

Mr. Hoagland again read from the general statutes about procedures and indicated that the proper process is to have the board approve the written decision and then transmit that to the applicant.

Mr. Holt asked other board members how they felt about the proposal and they discussed hypothetical scenarios for meeting timelines. Mr. Cobb said he liked the idea.

Mr. Hoagland asked that if the board was going to make a motion that they instruct staff to revise the Rules of Procedure. Then, at the next meeting, the board can officially vote to amend the Rules of Procedure with a requirement that they always meet month following a variance decision to ensure that it is finalized at the very next meeting.

Mr. Cobb made a motion to instruct staff accordingly and it was seconded by Mr. Owens. This motion included meeting every January regardless of any pending business. The vote was unanimously approved.

Amended Rules of Procedure

Mr. Holt noted that they needed to amend the Rules of Procedure to change meeting location. Mr. Hoagland explained that the previous room used for the board's meeting location has been transformed into the court system's Jury Room. That room is not

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unavailable for other business. Mr. Owens made a motion to amend the Rules of Procedure and change the Board of Adjustment meeting room to the Commissioners' Room located at 124 W. Elm Street, Graham, NC. Mr. Cobb seconded the motion, and it passed unanimously.

V. ADJOURNMENT

Mr. Holt asked if any board members had anything further to discuss. Hearing none, Mr. Cobb made a motion to adjourn. It was seconded by Mr. Wilson and approved unanimously. Meeting was adjourned at 6:48 p.m.

Alamance County Board of Adjustment Rules of Procedure

Article I: Meetings

Section 1.1 Regular Meetings

Regular meetings of the Alamance County Board of Adjustment shall take place on the Third Thursday of each month. Meetings will be held at 5:30 p.m. at the Commissioner's Meeting Room, 124 West Elm Street, Graham, NC 27253.

Section 1.2 Annual Meetings

The annual meeting of the Alamance County Board of Adjustment shall be the in the month of January of each year, **or the first regular meeting of the calendar year. The Board shall meet every January, regardless of any business pending before them.** At the annual meeting, the Board shall elect members to the office of Chair and Vice Chair. The Board shall also adopt a meeting schedule for the entire calendar year, including the meeting date of the annual meeting for the next calendar year.

Section 1.3 Special Meetings, Change of Meeting Date, Time, or Location.

In the event that a special meeting is necessary, the Board Chair shall call the meeting in a manner consistent with North Carolina General Statutes. All other board members shall be notified in writing no less than forty-eight (48) hours prior to the time of the special meeting. Notification of any other change in meeting date, time, or location shall be done in accordance with applicable North Carolina General Statutes which regulate such notifications.

Section 1.4 Order of Proceedings

All Board meetings shall follow, in general, the following order of proceedings:

1. Call to Order
2. Approval of Previous Meeting Minutes
3. Old Business
4. New Business
5. Other Business / Announcements
6. Adjournment

The Chair of the Board may, at their discretion, make changes to the order the agenda to more efficiently dispense with meeting business.

Section 1.5 Meetings open to the Public

It is the public policy of North Carolina and of Alamance County that the meetings, deliberations, and actions of this Board be conducted openly. Each official meeting of the Board of Adjustment shall be open to the public and any person is entitled to attend such meetings. An official meeting of the Board of Adjustment is defined as any gathering together at any time or place, or the simultaneous communication by telephone or electronic means of a majority of the board members,

for the purpose of participating in deliberations, or voting upon or otherwise transacting any business within the jurisdiction of the Board. Participation in evidentiary hearings shall be confined to those parties with standing to participate in accordance with N.C. Gen. Stat. 160D-1402(c).

Article II: Board Membership

Section 2.1 General

All Board of Adjustment members shall be appointed by the Alamance County Board of Commissioners in accordance with the Alamance County Unified Development Ordinance and applicable General Statutes. The regular membership of the Board of Adjustment shall be composed of five (5) citizens of Alamance County, each to serve for a three (3) year term. When initially constructing the board, or when filling a vacancy, the Board of Commissioners may choose to appoint individuals for less than a three (3) year term in order to prevent the simultaneous expiration of terms or other complications. The Board of Commissioners may appoint alternate members but those members must be appointed in the same manner as regular members.

Section 2.2 Review of Applications

Applications for membership on the Board of Adjustment will be processed in the same manner as any other county appointed citizen board and kept on file with the Clerk to the Board of Commissioners and the Planning Department.

Section 2.3 Meeting Attendance

All Board members are expected to regularly attend meetings and hearings. If a member has two (2) or more unexcused absences within a calendar year, the member will be presumed to have resigned from the Board. Anticipated absences will be considered excused if reported more than 48 hours in advance to the Chair, Vice Chair or Clerk.

Alternate members are not required, but are encouraged, to attend all meetings and hearings. Alternate member attendance shall be required when called upon to serve in the manner prescribed in Section 2.4.

Section 2.4 Participation of Alternate Members

Alternates members, upon being appointed by the Alamance County Board of Commissioners, shall be given a number corresponding to the order in which they were nominated and/or appointed beginning with the number one (1). If an alternate member's term expires and they are subsequently reappointed for a new term, they will forfeit their old number and receive the next number in line behind anyone who was nominated and/or appointed before them.

An alternate member's number shall correspond to the case number assigned to each case within a calendar year as described in Section 5.1 below. If a regular Board member is unable to participate in a hearing for any reason, the alternate member whose number corresponds to the case number shall be called up to serve for that hearing. If that alternate member is unable to serve for any reason, then the next alternate member in line will be called upon to serve.

In instances where multiple alternates are unable to serve for a hearing, the above process for choosing the next available alternate member shall be employed until one can serve. If there are more cases within a year than available alternate members, the assignment to new cases shall start over with alternate member one (1).

If the Chair of the Board cannot participate in a hearing for any reason, the alternate member taking their place shall not automatically become Chair. That duty shall remain with the Vice Chair. For instances where both the Chair and Vice Chair cannot participate in a hearing, the alternate members shall be seated and before commencing with business the Board shall elect a Chair and Vice Chair to preside over just that meeting or hearing alone.

When an alternate member is called upon to serve as a regular Board member, they shall participate in all sessions necessary to see that particular case to its logical conclusion. Their participation on a case shall only end once the Board has voted by official action to conclude the hearing.

Section 2.5 Vacancies Due to Resignation, Death, Disability, etc.

In the event that a Board vacancy occurs due to any reason other than normal expiration of a term then the Planning Director shall immediately make the Clerk to the Board of Commissioners aware of the vacancy. Attempts to fill the position shall begin with alternate members and applications that are kept on file. Other applications may be entertained in accordance with normal rules regulating vacancies on other county appointed Boards.

Should such a vacancy be the office of Chair then the Vice Chair will become the Chair and a new Vice Chair will be elected at the next regular meeting. For instances when the positions of Chair and Vice Chair become vacant simultaneously, the Planning Director shall open the next regular meeting following the vacancies and preside over the election of a new Chair as the first order of business. The new Chair shall then preside over the election of a Vice Chair.

Article III: Officers

Section 3.1 Officers

The officers of the Alamance County Board of Adjustment shall consist of a Chair and a Vice Chair, each of whom shall serve for a term of one year.

Section 3.2 Election of Officers

The officers of the Board shall be elected for the ensuing year at the annual meeting, or first meeting of the calendar year if the annual meeting is not held in January. Elections will be determined by a simple majority.

Section 3.3 Duties of Officers

The duties and powers of the officers of the Board of Adjustment shall be as follows:

a. Chair:

1. To preside over all Board meetings;

2. To call special meetings in accordance with these Rules of Procedure and applicable general statutes;
3. To sign official documents representing the Board of Adjustment
4. To uphold quasi-judicial procedures as outlined in N.C. Gen. Stat. 160D-406 and other applicable law.

b. Vice Chair:

1. During the absence, disability or disqualification of the Chair, the Vice Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

Section 3.4 Clerk to the Board of Adjustment

The Planning Director or designee shall serve as the Clerk to the Board. The Clerk shall be responsible for the following:

1. Preparing all agenda packets for the Board.
2. Ensuring that accurate minutes of the meeting are taken and reported.
3. Maintaining an archive of agendas and minutes for public review.
4. Managing materials and records in accordance with general statutes governing quasi-judicial procedures.

Article IV Voting and Conflicts of Interest

Section 4.1 Voting

Each board member that counts toward the quorum of a meeting may cast one vote on any given item. A simple majority is necessary for any motion to carry other than for granting variances. In variance cases, a four-fifths vote shall be necessary.

Section 4.2 Conflicts of Interest

No Board member shall participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

When a Board member must recuse themselves from a matter before the Board, such recusal must occur before deliberation of that item. Once recused, the member may not take part in any discussion regarding the issue being considered. Upon recusal, an alternate member shall be called up to participate in the hearing in accordance with Section 2.4 above.

At the outset of each hearing, the Board Chair shall poll each member to ensure there are no conflicts of interest. This determination of whether or not a conflict of interest exists shall be recorded for the record

Article V Miscellaneous

Section 5.1 Hearing Case Numbers

Each quasi-judicial case to come before the Board shall be given a number, beginning with number one (1), within each calendar year. Among other things, that case number shall serve to organize the manner in which alternate members participate in hearings in accordance with Section 2.4 above.

Section 5.2 Amendments

The Board of Adjustment may recommend adoption, amendment, repeal, or alteration; in whole or in part, these Rules of Procedure by a majority vote at any regular meeting; provided that any change requested has been placed on the Board's regular meeting agenda and made available for public inspection.

Section 5.3 General Operations

All other duly adopted rules shall apply to meetings of the Alamance County Board of Adjustment at which the Board of Adjustment is empowered to exercise any and all duties prescribed by the Alamance County Board of Commissioners in accordance with N.C. Gen. Stat. 160D-302.

Section 5.4 Oaths of Office

All members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking the following oath of office:

I, _____ (insert name here) _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge my duties as a member of the Alamance County Board of Adjustment, so help me God.

Section 5.5 Decisions Rendered Promptly

In all cases in which the Board concludes a variance hearing and renders a final decision, the Board shall meet at their next regularly scheduled meeting in order to ensure the approval of the written decision in a timely manner. This procedure is not intended to override, annul, or otherwise alter the provisions of N.C. Gen. Stat. 160D-406(j).

Adopted by the Alamance County Board of Adjustment on this date: _____ 2025

Chair

Attest, Clerk