

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. 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 give 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

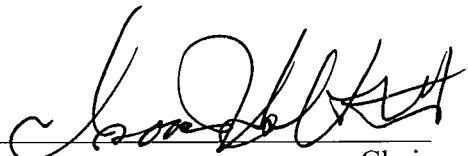
All members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking the following oath of office:

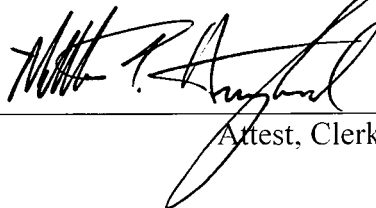
I, _____ (insert name here) _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge my duties as a member of the Alamance County 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: July 17 2025 2025


Chair


Attest, Clerk