

RULES OF PROCEDURE ZONING BOARD OF ADJUSTMENT

Village of Bald Head Island, North Carolina

I. General Rules

The Zoning Board of Adjustment shall be governed by the terms of [Village of Bald Head Island: Chapter 160A, Article 19, Part 3] of the General Statutes of North Carolina and by the Zoning Ordinance of [Village of Bald Head Island]. All members of the Board shall thoroughly familiarize themselves with these laws.

II. Officers and Duties

- A. **Chairman:** A chairman shall be elected by full membership (including alternate members) of the Board of Adjustment from among its regular members. His/Her term of office shall be one year and until his/her successor is elected, beginning in August, and he/she shall be eligible for re-election. The chairman shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The chairman shall appoint any committees found necessary to investigate any matters before the Board.
- B. **Vice-Chairman:** A vice-chairman shall be elected by the Board from among its regular members in the same manner and for the same term as the chairman. He/She shall serve as acting chairman in the chairman's absence, and at such times he/she shall have the same powers and duties as the chairman.
- C. **Secretary:** A secretary shall be appointed by the chairman of the Board, either from within its membership or from outside, to hold office during the term of the chairman and/or until a successor secretary has been appointed. The secretary shall be eligible for reappointment. The secretary, subject to the direction of the chairman and the Board, shall keep all records, 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, and shall generally supervise the clerical work of the Board. The secretary shall keep the minutes of every Board meeting in a permanent volume. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted on by the Board, and all votes of members of the Board on any resolution or on the final determination of any question, indicating the names of members who are absent or fail to vote. If the secretary is chosen from outside the Board's membership, he/she shall not be eligible to vote on any matter.

- D. Clerk: A clerk shall be appointed by the chairman of the board either from within membership or from outside, to hold the office during the term of the chairman and/or until a successor clerk has been appointed. The clerk shall be eligible for reappointment. The clerk shall perform such tasks as the chairman may assign and shall assist the secretary generally in performing his duties. If the clerk is chosen from outside the Board's membership, he shall not be eligible to vote on any matter.

III. Alternate Members

Alternate members of the Board shall be called on to attend only those meetings and hearings at which one or more regular members are absent or are unable to participate in hearing a case because of financial or other interest. Regular members, on receiving notice of a special meeting that they cannot attend or on learning that they will be unable to participate in a particular case, shall give prompt notice to the Board secretary that they are unable to attend or to participate. On receiving such notice, the secretary shall, by the most expeditious means, notify an alternate member to attend. Assignments shall be rotated among the alternate members. At any meeting that they are called on to attend, alternate members shall have the same power and duties as regular members.

Except at the election of officers, at no time shall more than five (5) members participate officially in any meeting or hearing.

IV. Rules of Conduct for Members

- A. Members of the Board may be removed for cause, including violation of the rules stated below.
- B. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board members shall be considered as a prerequisite of continuing membership on the Board.
- C. No Board member shall take part in the hearing, consideration or determination of any case in which he/she is personally or financially interested.
- D. No Board member shall vote on any matter that decides an application or appeal unless he/she has attended the public hearing on that application or appeal.
- E. No Board member shall discuss any case with any parties hereto before the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its secretary, or clerk before the hearing.
- F. Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined. Violation of this rule shall be cause for dismissal from the Board.

V. Meetings

- A. Regular Meetings: The 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. The Board shall hold its' annual meeting in the month of August, the purpose of which is to elect a Chair and Vice-chair and conduct other business as necessary.
- B. Special Meetings: The chairman may call special meetings of the Board at any time. At least forty-eight (48) hours written or oral notice of the time and place of the special meetings shall be given, by either the secretary or the chairman, to each member of the Board.
- C. Cancellation of Meetings: If there are no appeals, applications for special use permits or variances, or other business for the Board, or if so many regular and alternate members notify the secretary that they cannot attend that a quorum will not be available, the chairman may dispense with a regular meeting by giving written or oral notice to all members not less than twenty-four (24) hours before the time set for the meeting.
- D. Quorum: A quorum shall consist of three (3) members of the Board, but the Board shall not pass on any question relating to an appeal from a decision, order, requirement, or determination of the Building Inspector or an application for a variance or special use permit when fewer than five (5) members are present.
- E. Voting: All regular members may vote on an issue unless they have disqualified themselves for one or more reasons listed in Section IV, D, 4, and shall not be reduced by an disqualifications. In all other matters the vote of a majority of the members present and voting shall decide issues before the Board.
- F. Conduct of Meetings: All meetings shall be open to the public. The order of business at the regular meetings shall be as follows: (a) roll call; (b) approval of minutes of the previous meeting; (c) hearing of cases; (d) reports of committees; (e) unfinished business; (f) new business; (g) consideration and determination of cases heard.

VI. Appeals and Applications

- A. Types of Appeals: The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Building Inspector. It shall also hear and decide all matters referred to it or on which the Zoning Ordinance of the Village of Bald Head Island requires it to pass. In deciding appeals, the Board may hear both those based on an allegedly improper or erroneous interpretation of the ordinance and those based on alleged hardship resulting from strict interpretation of the ordinance.
- B. Procedure for Filing Appeals: No appeal shall be heard by the Board unless notice thereof is filed within thirty (30) days after the interested party or parties receive notice of the order, requirement, decision, or determination by the Building Inspector. The applicant must file his/her application for a