

**BOARD OF ADJUSTMENT
MINUTES
Tuesday, January 29, 2002**

The Blowing Rock Board of Adjustment met on Tuesday, January 29, 2002 at 6:30 p.m. for a special scheduled training meeting. Chairperson Lisle Snyder called the meeting to order at 6:45 p.m. Members present were Albert Yount, Barbara Wright, Mark Klein, and Jim Thirtle. Staff present were Kevin Rothrock, Planning Director, Allen Moseley, Town Attorney, and Sonya Long, Administrative Assistant.

Mr. Rothrock gave a Power Point presentation showing several different topics that pertained to the Board of Adjustments meetings and responsibilities. The purpose of the training session was to go over procedures and guidelines of the Board of Adjustments.

Mr. Rothrock pointed out the importance of attendance at all board meetings. He stated that a member might be dismissed for failure to attend three consecutive meetings or four meetings within any twelve-month period.

The Board discussed in great detail what the rules were regarding a quorum. Mr. Rothrock explained that the Board must have five (5) members present to review a case and that could include an alternate. The only time this would include a member from the Extraterritorial Jurisdiction would be if the case were in that area.

Some discussion took place regarding Quorums. A quorum for the Board shall consist of four members, including alternates, for matters involving properties inside the town. Mr. Rothrock pointed out that any member who withdraws from the meeting without being excused should be considered as present for determining whether a quorum is present. The Board discussed the alternates' role in a quorum and whether or not the alternates should participate in discussion if there is a full board. Mr. Rothrock stated that if there is a quorum without the alternate, that member should not sit with the Board.

Mr. Rothrock pointed out that a concurring vote of four (4) members, including alternates, shall be required to reverse any order, requirement, decision, or determination by the administrator or to decide in favor of the applicant for variance request. Once a member is present, failure to vote shall be recorded as an affirmative vote unless member has been excused or allowed to withdraw. The Board then discussed Variances and the Finding of Facts. The Board discussed the difficulty of an applicant getting approval on the first fact (If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property). An applicant must meet all facts before the Board can grant a Variance. The Board asked if this fact could be changed at all. Mr. Moseley stated that this was the standard language used and that it really shouldn't be changed.

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Mr. Rothrock briefly discussed setbacks and buildable area. Other topics discussed were Interpretations, Burden of Proof, and Rules of Procedure, Hearing Procedures for Appeals and Applications and Evidence.

The next topic discussed was Board Action on Appeals and Variances. Mr. Rothrock explained that the burden of presenting evidence sufficient to allow the Board of Adjustments to reach the conclusions based on Findings of Fact, as well as the burden of persuasion on those issues, remains with the applicant seeking the variance. Before the Board can grant a variance, the board must take a separate vote and vote affirmatively (by a 4/5th majority) on each of the six required findings of facts.

Mr. Rothrock reviewed with the Board a Quasi-judicial Hearing. He went over the guidelines the Board would commonly use to be fair to all parties involved.

Adjourn

With no further discussion or questions, the Board adjourned at 8:40 p.m.

Lisle Snyder, Chairman

Sonya Long, Administrative Assistant