

**BOARD OF ADJUSTMENT
MINUTES – TRAINING SESSION
Tuesday, March 19, 2002**

The Blowing Rock Board of Adjustment met on Tuesday, March 19, 2002 at 5:30 p.m. for a special scheduled training meeting. Members present were Jim Thirtle, and Lowell Thomas. New members present were Al Wheeler, Jim Steele, David Cox, and Virginia Stacks. Staff present were Kevin Rothrock, Planning Director, Allen Moseley, Town Attorney, Don Holycross, Town Manager 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. He also pointed out that if a member withdraws or is excused, then a four (4) member Board could still vote.

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.

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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.

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.

Ms. Stacks suggested that the fee to file a Variance should be increased. Mr. Rothrock stated he would take that into consideration.

Adjourn

With no further discussion or questions, the Board adjourned at 7:00 p.m.

Lisle Snyder, Chairman

Sonya Long, Administrative Assistant