



AGENDA
Regular Board of Adjustment Meeting
February 9, 2021 - 6:30 PM
Virtual Meeting

Meeting Information- *This meeting will be held virtually. All who wish to view the meeting may do so by visiting: <https://www.facebook.com/HuntersvilleNCTownGovernment>. No Facebook account is required to view the meeting. If you wish to provide a public comment please contact Tracy Barron at tbarron@huntersville.org by 3 pm on the day of the meeting. You may submit your public comment in writing or by joining the virtual meeting via computer or telephone.*

- 1. Roll Call, Determination of Quorum**
- 2. Approval of Minutes**
 - 2.A. Consider approval of the January 12, 2021 Minutes of the Meeting
- 3. Hearing of Cases**
- 4. Other Business**
 - 4.A. Discussion of the Rules of Procedure updates
- 5. Adjourn**



MINUTES OF THE MEETING
Regular Board of Adjustment Meeting
January 12, 2021 - 6:30 PM

LOCATION: Arts & Cultural Center (109 S. Old Statesville Road)

Meeting Information- *This meeting will be held in public at the Arts& Cultural Center (109 S Old Statesville Road) and will not be streamed online. Due to the current COVID-19 pandemic, social distancing and face masks will be required. All who wish to attend will need to be screened prior to entering the center. Please arrive early, space will be limited to accommodate the recommended social distancing measures of being no less than 6 feet apart. The Board, attorneys, staff and essential witnesses will receive priority and members of the public will be allowed to the extent we can adhere to social distancing guidelines. In the event that the number present exceeds the maximum capacity permitted under these guidelines, please be prepared to wait outside and for members of the public to be rotated out to provide all who intend to speak the opportunity.*

1. Roll Call, Determination of Quorum

Quorum was determined, and Chairman Cecil called the meeting to order.

Regular Members in attendance: E. Cecil, Chairman, W. Smith, S. Genenbacher, B. Welch, T. Primiano, and D. Brewer

Alternate Members present: J. Bradshaw, J. Loucks and P. Jacobson who was called upon to serve as a Regular Member.

Regular Members absent: J. Kluttz

2. Approval of Minutes

2.A. Consider approval of the November 10, 2020 Meeting Minutes

T. Primiano made a Motion to Approve the November 10, 2020 Regular Meeting Minutes, and D. Brewer seconded the Motion. The vote carried unanimously (7-0).

3. Hearing of Cases

Prior to testimony, a group attestation was completed for all parties involved or giving testimony to the case. This included: Laurie Martin, 15710 Pine Street and Lauren Speight, Planner 1.

The Chairman read the disclosure statement to the members: The parties to this case are entitled to an impartial board. A board member may not participate in this hearing if she/he has a fixed opinion about the matter, a financial interest in the outcome of the matter, an undisclosed *ex parte* communication with a party, or a close relationship with an affected person. Does any board member have any partialities, *ex parte* communication, financial interest, or a close relationship with affected persons to disclose and recusal to offer? There were none.

3.A. DA 20-01 15710 Pine Street (Receiving) & 16401 Terry Lane (Giving)

Lauren Speight, Planner I (also referred to herein as “staff”) presented, and entered the Staff Report into the record through verbal testimony as indicated below, and written documentation, which is attached hereto as Exhibit A, and incorporated herein by reference.

The applicants, Laurie R. Martin, Mitchell W. Spahn, and Sheryl M. Spahn, are requesting a Density Averaging Certificate to allow 1,300 sq. ft. of impervious development rights to be transferred from 16401 Terry Lane to 15710 Pine Street.

1) ***A density averaging certificate shall be considered one development request.***

Staff Finding:

The application has been processed as one development request.

2) ***Overall impervious area/amount of the paired parcel averaged-density development, calculated by built-upon area, shall not exceed the impervious that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area, the Critical Area parcel shall not be developed beyond those impervious amounts allowed in the critical area provisions of the Huntersville Zoning Ordinance. A property in a more restricted watershed area shall not acquire impervious rights from a property in a less restricted area of the watershed. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed.***

Staff Findings:

The lot at 15710 Pine Street is zoned General Residential (GR) and it is located in the Lake Norman Watershed Critical Area (LN-CA). The giving property, 16401 Terry Lane, is zoned General Residential (GR) and is also located in the Lake Norman Watershed Critical Area (LN-CA). The 1,300 sq. ft. proposed for 15710 Pine Street combined with the existing impervious area for both properties will not exceed the total impervious allowed for both parcels – which is 16,860 sq. ft.

3) ***The paired parcels may include or be developed for residential or non-residential purposes.***

Staff Findings:

The paired-parcel lot at 15710 Pine Street is residential zoned and may be further developed for residential purposes. The lot at 16401 Terry Lane is residential zoned and may be further developed for residential purposes.

4) ***Buffers shall at least meet the appropriate minimum Huntersville Zoning Ordinance water supply watershed protection requirements on both parcels in the parcel pair.***

Staff Findings:

There are no perennial streams that require buffers within or abutting either parcel.

5) ***The portion of the parcel(s) which is not developed as part of the paired parcel, but that is being averaged in the land area being evaluated to meet the built-upon surface area, shall remain in an undisturbed vegetated or natural state. A metes and bounds description of the space to be undisturbed and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deed and shall be irrevocable. The resultant impervious area/amount for the two lots combined shall not exceed the original allowable impervious amount for each individual lot if they were developed separately. It shall be noted on the plat that the Zoning Administrator shall reserve the right to make periodic inspections to ensure compliance.***

Staff Findings:

In order to comply with this requirement, a 1,300 sq. ft. metes and bounds description of an undisturbed vegetated buffer area will be reserved in perpetuity for the parcel at 16401 Terry Lane. This area will be recorded on a subdivision plat and property deeds at the Mecklenburg

County Register of Deeds. This note does not currently appear on the included survey, but Town of Huntersville Staff will request the survey company to add a note to this effect before recordation of the map.

- 6) ***A Density Averaging Certificate shall be obtained from the Watershed Review Board (Board of Adjustment) to ensure that both parcels considered together meet the standards of the ordinance and that potential owners have record of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Density Averaging Certificate. A site plan for both of the parcels must be submitted and approved as part of the Density Averaging Certificate. If such a certificate is granted, no change in the development proposal authorized for either parcel shall be made unless the certificate is amended. Upon issuance of such certificate, one copy will be forwarded to the North Carolina Division of Water Quality (DWQ). Included with the Density Averaging Certificate will be a site plan, registered plats for both properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.***

Staff Findings:

The owners of both paired-parcels submitted an application for a Density Averaging Certificate (Exhibits 1-4). The Board of Adjustment Hearing (acting as the Watershed Review Board) will be held on January 12, 2021 to determine whether a Density Averaging Certificate will be granted. If granted, the plats will be recorded with a copy of the Density Averaging Certificate, and revised deeds. The necessary parties will be notified, and given a copy of the recorded information.

- 7) ***The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest.***

Staff Findings:

The surveys provided demonstrate conformity to the intent and requirements of this Article and Section, and the proposed agreement does not adversely affect the public interest.

- 8) ***The undisturbed land area shall be recorded in the deed for the parcel to which it applies. The Density Averaging Certificate shall be recorded in the deed for each of the parcels in the parcel-pair. Both the designated undisturbed land area and the certificate shall be noted on the subdivision plat that applies to each of the parcels.***

Staff Findings:

If the Density Averaging Certificate is granted, the applicant will prepare a revised deed and plat for both properties. Then the applicant is responsible for recording the Density Averaging Certificate for both properties with the appropriate deeds and plats.

- 9) ***Storm water run-off from paired parcel averaged-density development which meets the low-density option development requirements shall be controlled by vegetative conveyances to the maximum extent practicable and shall be approved by Mecklenburg County Storm Water Services', Water Quality Program.***

Staff Findings:

On November 24, 2020, David Caldwell (Environmental Supervisor, Charlotte-Mecklenburg Storm Water Services, Water Quality Program) inspected the property at 15710 Pine St. in Huntersville. At the time of the inspection it was determined that storm water runoff was controlled by vegetative conveyances to the maximum extent practicable, as per item (9) in the Huntersville Density Averaging Ordinance. (Exhibit 6).

- 10) ***Storm water runoff from paired-parcel averaged density development which meets the high-density option development requirements shall be controlled on the parcel(s) where the high-***

density development is occurring in accordance with the criteria specified in the Huntersville Water Quality Design Manual and the Huntersville Zoning Ordinance for high-density development.

Staff Findings:

Both properties are in a low-density development area.

11) No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.

Staff Findings:

There have been no watershed variances granted for either parcel.

12) Compliance with criteria 1-12 shall be evidence that the parcel pair is consistent with the orderly and planned distribution of development throughout the watershed.

Staff Findings:

The applicant has complied with all applicable criteria for a Density Averaging Certificate.

Based on all of the above findings, staff recommends approval of a Density Averaging Certificate. Based upon finding of facts, staff concludes the criteria as outlined in Zoning Ordinance Article 3.3.3.A,i, (*Paired-Parcel Averaged-Density Development*) has been satisfied.

L. Martin advised the Board of her concern related to this process and stated that while she respects the need to protect our water she is not sure if the Board is aware of the aggressive tactics that are being implemented in the unregulated secondary market of buying and selling impervious rights for ridiculous mark-up's.

Chairman Cecil thanked the applicant for providing this feedback and recommended that the applicant speak at the Ordinance Advisory Board or Town Board meetings during the public comments portion to also make these Boards aware of the problems, concerns and challenges she expressed.

Chairman Cecil asked if there was any discussion or questions, there was none.

T. Primiano made a Motion to Accept the Staff's Findings as the Boards Findings of Fact. D. Brewer seconded the motion. The motion passed unanimously (7-0).

T. Primiano made a Motion to Approve the Density Averaging Certificate. E. Cecil seconded the motion. The motion passed unanimously (7-0).

4. Other Business

4.A. Discussion of the Rules of Procedure updates including alignment to meet Statue 160D

Jacob Glass, Town Staff Attorney introduced himself to the Board. The Board then considered a review of the proposed changes to the Rules of Procedure. A detailed record of those changes and clarifications have been recorded and tracked. These updates will be considered by the Board and further discussed at the next regularly scheduled meeting.

5. Adjourn

T. Primiano made a Motion to Adjourn, and W. Smith seconded the Motion. The vote carried unanimously (7-0).

**Town of Huntersville
Board of Adjustment
February 9, 2021**

To: Town Board

From: Tracy Barron, Exec Asst

Date: February 9, 2021

Subject: Discussion of the Rules of Procedure updates

EXPLAIN REQUEST:

ACTION RECOMMENDED:

No action to be taken.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. BOA ROP Change Feb 2021 Review

**RULES OF PROCEDURE
BOARD OF ADJUSTMENT
TOWN OF HUNTERSVILLE, NORTH CAROLINA**

I. GENERAL RULES

The Board of Adjustment (hereinafter referred to as the “Board”) shall be governed by the terms of Chapter 160DA, Article ~~319, Part 3~~ of the North Carolina General Statutes and by the Town of Huntersville Zoning Ordinance and Code of Ordinances. All members of the Board shall thoroughly familiarize themselves with these laws. The Board, being a public body, shall at all times conduct meetings in conformity with the applicable Open Meetings Law statutes. The members of the Board shall also act as the Watershed Review Board.

II. OFFICERS AND DUTIES

A. Appointments

The Board shall consist of seven (7) Regular members and three (3) Alternate members. The Regular membership shall consist of six (6) members who reside within the corporate limits, and one (1) extraterritorial member. The number of Regular members appointed who reside in the extraterritorial zoning jurisdiction (“ETJ”) shall at a minimum meet the requirement of N.C.G.S. §160DA-30762 for proportional representation, but shall in no instance be less than one (1). The Alternate membership shall consist of at least two (2) members who reside within the corporate limits, with the remaining Alternate member residing in either the corporate limits or the ETJ.

Regular and Alternate members shall be appointed by the Town of Huntersville Board of Commissioners (hereinafter referred to as “Town Board”) to terms of office of three (3) years. Members of the Board shall be limited to three (3) consecutive terms, unless waived; however, may be reappointed after remaining off the Board for at least one (1) year.

If vacancy on the Board occurs by reason of death, resignation, change of residence, Town Board removal, or any other reason, the seat shall be filled by the Town Board in an expeditious manner for the duration of the unexpired term. The Town Board may appoint certain members for less than three (3) years so that the terms of all members shall not expire at the same time.

The Town of Huntersville Planning Department shall be responsible for maintaining a current list of Board members, including the effective date of their appointment and expiration date of their term. The Planning Department shall keep the Town Board informed, at least sixty (60) days prior to the expiration date, as to when any term is to expire.

At the regular Board meeting held in the month of ~~July~~January, or at the first regular meeting held after July~~held each calendar year~~, the Board shall elect a Chairman and Vice Chairman from their Regular membership. All Regular and Alternate members shall be allowed to vote. Office holders, however, shall be limited to Regular members. Terms of office shall be one (1) year. Persons may be reelected to the same office for successive terms.

B. Duties

The Chairman shall decide upon 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 Vice Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times, he shall have the same powers and duties as the Chairman. In the event of the absence of both the Chairman and the Vice Chairman from a Board of Adjustment meeting, the Regular members present may elect a temporary Chairman for that meeting and proceed with the order of the business. The Chairman, or any member acting as Chairman is authorized to administer oaths to witnesses **(who may either swear or affirm)** in any matter coming before the Board.

C. Secretary

A staff member of the Town of Huntersville Planning Department shall be the recording Secretary to keep Minutes of Regular and Special Board meetings. The Secretary shall keep in a permanent volume the Minutes of every meeting of the Board. The Minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of the Board upon a resolution of upon the final determination of any question, indicating the names of members absent or failing to vote. The Minutes of the Board of Adjustment shall be kept at the office of the Town of Huntersville Planning Department. The Secretary is authorized to administer oaths to witnesses **(who may either swear or affirm)** in any matter coming before the Board.

III. RULES OF CONDUCT FOR MEMBERS

A. Removal

Members of the Board may be removed by the Town Board for cause, including violation of the Rules stated herein.

B. Attendance

In order for the Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any Regular ~~or Alternate~~ member is absent for three (3) consecutive regular meetings within any twelve (12) month period such member may be removed by the Town Board, and a replacement made for the unexpired portion of the term. ~~Alternate members may be removed by the Town Board for repeated failure to attend or participate in meetings when requested as set forth herein.~~ The^[JS1] Board may make a recommendation to the Town Board regarding removal of a member for duly cited causes and the request must be in writing, and signed by the Chairman of the Board.

The Regular members, on receiving notice of a meeting they cannot attend or upon learning that they will be unable to participate in a meeting, shall promptly notify the Secretary that they are unable to attend or participate. The Alternates, when called upon to participate because of a Regular member's absence or recusal shall alternate their participation. The order in which they

are called to sit shall be determined through a pre-arranged schedule prepared by the Secretary. Alternate members shall have the same powers and duties as Regular members.

The Alternate members are encouraged to attend all meetings regardless if they are voting. When an Alternate member attends a meeting and is called on to participate because of a Regular member's absence, that Alternate member shall retain their "Regular" status should the absent Regular member enter the meeting after the public hearing has been opened. The Regular member who appears after the opening of the hearing will take on "Alternate" status for the duration of that meeting. If an Alternate member is called on to participate in the Board's consideration of an item from which a Regular Board member shall be excused due to conflict or otherwise, the Alternate shall relinquish their seat upon conclusion of that matter.

C. Conflicts of Interest

No member shall participate in or vote in any matter in which he or she has an impermissible conflict, which includes the member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed *ex parte* communications, a close familial business, other relationship with an affected person, or a financial interest in the outcome of the matter. If a member or Alternate member has a conflict of interest they must disclose the conflict **to the Board and** remove themselves from the dais prior to the item being heard. They may return to the dais after the hearing is concluded. **The Chairman may request disclosure of conflicts at the beginning of any hearing.**

D. Discussion of Board Cases

Board members shall refrain from discussing upcoming matters of business with any parties, including other Board members, prior to the meeting at which such items are to be publicly discussed; however, members may receive and/or seek general technical information pertaining to the case from the Secretary, Town Manager, Town Attorney or Planning staff prior to the Board meeting at which the case is to be heard.

IV. MEETINGS

A. Regular Meetings

Regular meetings of the Board shall be held on the second Tuesday of each month at a reasonable time at the Town Hall (typically 6:30 p.m.), provided that meeting may be held at any other conveniently located place in Huntersville if directed by the Chairman at least forty-eight (48) hours in advance of the meeting. [The Secretary shall cause notice of change to the time or place of a meeting to be given in compliance with N.C.G.S. § 143-318.12.](#) Each member (including the Alternate members) shall be notified of each meeting by the Secretary.

B. Special Meetings

Special meetings of the Board may be called at any time by the Chairman provided that at least forty-eight (48) hours written notice of the time and place of the special meeting be given by the

Secretary to each member of the Board including the Alternate members, and as may be required by the Open Meeting Law of North Carolina.

C. Cancellation of Meetings

Whenever there are no appeals, interpretations, applications for variances, or other business for the Board, or whenever so many Regular and Alternate members notify the Secretary of their inability to attend that a quorum will not be available, the Chairman may dispense with a regular meeting by having the Secretary give written or oral notice to all members prior to the time set for the meeting.

D. Quorum

A quorum consisting of six (6) members of the Board shall be required before any vote is taken for a variance. A quorum consisting of four (4) members shall be required before any vote is taken for any other quasi-judicial matter including acting as the Watershed Review Board.

E. Voting

The concurring vote of four~~th~~-fifths (six voting members) of the Board shall be necessary to grant a variance, including a variance as the Watershed Review Board. Except in the case of a variance, including a variance as the Watershed Review Board, a majority of the members shall be required to decide any other quasi-judicial matter, or to determine an appeal, or to enter a decision, ~~other than a decision involving a variance, as the Watershed Review Board.~~ Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified Alternates available to take the place of such members. No more than seven (7) Regular and Alternate members may vote on any matter for which a public hearing was held. The Chairman shall be able to vote on any matter, including making and seconding a motion. No Board members shall vote on any matter deciding an application or appeal unless he shall have attended the public hearing on that application. If, during the review of any matter, a board member's term ends or is otherwise no longer with the Board, a different board member may vote on the matter after fully reviewing any available transcript, video, or other information of the hearing. Every quasi-judicial decision shall be signed by the Chairman, or other duly authorized member of the Board, and is effective upon filing the written decision with the Secretary of the Board.

F. Conduct of Meeting

All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- (A) Roll Call, Determination of Quorum
- (B) Approval of Minutes of Previous Meetings

(C) Hearing of Cases

(D) Other Business

(E) Adjourn

G. Continuation of Meeting

Meetings may be continued from one date to another upon majority vote provided that the reconvened meeting occurs no earlier than at least forty-eight (48) hours thereafter, and such meeting is held in a conveniently located meeting site in Huntersville.

H. Variance

A variance may only be granted upon a showing that all four of the following provisions are met:

(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, 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 for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created 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.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

V. APPEALS, APPLICATIONS, PUBLIC HEARINGS

A. Types of Appeals

The Board shall hear and decide appeal decisions of administrative officials charged with enforcement of the Zoning Ordinance, and may hear appeals arising out of any other Ordinance that regulates land use or development.

B. Procedures for Filing Appeals

No appeal shall be heard by the Board unless a completed Notice of Appeal is filed with the Town Clerk within thirty (30) days from the date of the order, decision, determination, or interpretation is made or rendered by an administrative officer, and any such fees shall be paid upon filing the Notice of Appeal. All notices shall be made upon the form furnished by the Town for that purpose, and all information required thereon shall be completed, including a statement for the grounds for appeal, before an appeal shall be considered as having been filed.

C. Public Hearing Mandate

A public hearing conducted by the Board shall be required to:

- (1) Decide all appeals and interpretation
- (2) Grant any variance to the terms of the Ordinance and,
- (3) Hear and decide all other matters referred to it or upon which it is required to pass by the Zoning Ordinance.

D. Public Hearing Date

After receipt of a completed application for an interpretation or variances, **or Notice of Appeal**, the Board shall hear the case on **the first regular meeting which is at least 31 days following the date of such submittal of a completed application or Notice of Appeal**, unless postponed by planning staff with the consent of the applicant **prior to notice of hearing being mailed as provided in the Town of Huntersville Zoning Ordinance, as amended.**

E. Conduct of Hearing

Any public hearing shall be conducted in a *quasi*-judicial manner. Any party may appear in person, by agent, or by attorney at the hearing. All persons presenting evidence before the Board shall be placed under oath by the Chairman or acting Chairman, or Secretary, and the opposing party may cross examine them. The Chairman may rule on the admissibility of evidence. The order of business for public hearing shall be as follows:

- (1) Persons giving testimony shall be placed under oath;
- (2) [The Chairman may establish reasonable procedures to assure that the hearing is conducted in a fair, impartial and efficient manner.](#)

[\(3\)](#) The Chairman, or such person acting as Chairman shall direct planning staff to give a preliminary statement of the case;

(43) The applicant shall present the argument in support of their application;

(54) Persons opposed to granting the application shall present the evidence against the application;

(65) Other persons in favor of granting the application shall present the evidence for the application;

(76) Both sides will be permitted to present rebuttals to opposing testimony;

~~(7) The Chairman, or their designee, shall summarize the evidence which has been presented giving parties the opportunity to make objections or corrections;~~

(8) Board members may ask questions of any witness.

(98) The Chairman shall close the period for public discussion. The Board shall publicly discuss the case without further input from the public. Board members, however, may seek input, clarification, etc. from persons eligible to give evidence who are seated in the audience on any piece of evidence heretofore presented. Cross examination and rebuttals may be made only on any such new evidence presented;

(109) The Board shall render a decision and findings of fact on the matter based on substantial, competent, material evidence in record or, if it so chooses, continue the public hearing to a publicly stated date, time and location no earlier than at least forty-eight (48) hours thereafter. No further notice of a continued hearing need be made unless a period of six (6) weeks or more elapses between hearing dates.

F. Rehearings

An application for a rehearing may be made in the same manner as provided for in the original hearing. All applications for rehearing shall be made within thirty (30) days after the decision of the Board has been filed in its office. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The application for hearing shall be denied by the Board if, from the record it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that there has been a substantial change it shall there upon treat the request in the same manner as any other application. The Board of Adjustment shall not be required to hold a public hearing to determine whether a rehearing of the case shall be conducted. Said determination shall, however, require a four-fifths (4/5) vote of the Board of Adjustment.

G. Decisions

(1) Time

Decisions by the Board of Adjustment shall be made within thirty-one (31) days from the date the hearing was officially closed.

(2) Form

Written notice of the decision in a case shall be sent by first class mail to the applicant and to every aggrieved party who has filed a written request for such a notice with the Secretary or the Chairman when the hearing is held within five (5) working days after the case is decided. The final decision shown in the record of the case shall be entered in the Minutes of the Board. Such record shall show the reasons for the determination with a summary of the evidence introduced, and the findings of fact made by the Board.

VI. ADOPTION OF BY-LAWS AND AMENDMENTS

These Rules shall at all times be consistent with all Ordinances of the Town of Huntersville and laws of the State of North Carolina. Should any provisions of these Rules be inconsistent with such Ordinances or laws of the State of North Carolina, said Ordinances and laws shall control.

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than four (4) members of the Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken.

Adopted, as amended, this ____ day of XXX August 202116.

Chairman

Joseph R. Kluttz, III,

ATTEST:

Tracy Barron~~Michelle V. Haines~~, Secretary