

# **ARTICLE X**

## **BOARD OF ADJUSTMENT**

### **Section 1. Creation of Board of Adjustment.**

There shall be and is hereby created a Board of Adjustment. Furthermore, the Planning Board is hereby designated to serve as the Board of Adjustment in addition to its other duties and responsibilities.

### **Section 2. Meetings.**

The members of the Board of Adjustment shall elect one of the members as Chairman and another as vice-chairman who shall serve for one (1) year. The staff of the City of Reidsville shall provide an employee to serve as secretary. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

### **Section 3. Powers of the Board.**

The Board of Adjustment shall have the following powers:

#### **a. Administrative Review**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any official charged with enforcement of this ordinance.

#### **b. Granting Variances**

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, because of special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

In granting any variance, the Board of Adjustment may pre-scribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until it shall make a finding:

- (1) That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the same district; and
- (2) That lateral interpretation of the provisions of this ordinance would deprive the applicant of a right commonly enjoyed by other properties in the same district under the terms of this ordinance; and
- (3) That the Special conditions and circumstances do not result from the actions of the applicant; and
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

**(c) Grant Special Use Permits**

To grant upon request Special Use Permits for those uses enumerated in Article IV, Section 3 of this Ordinance and in compliance with the procedures established therein.

**Section 4. Procedures for Requesting and Hearing Appeals and Requests for Variances.**

Appeals from the enforcement and interpretation of this ordinance and requests for exceptions or variances may be taken to the Board of Adjustment by any person aggrieved or by any officer, department or board of the City. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by the restraining order from the Rockingham County Superior Court.

Appeals from the enforcement and interpretation of this ordinance and requests for variances shall be filed with the Secretary of the Board of Adjustment who shall transmit to the Board of Adjustment applications pertaining to such appeals or variances. If the application is for an appeal, it shall be filed within thirty (30) days of the filing of the decision being appealed or the delivery of any required written notice of the decision, whichever is later.

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All applications shall be filed with the Secretary to the Board of Adjustment on or before the third Friday of the month. Thereafter, the Board of Adjustment shall conduct a hearing to consider the appeal or application after complying with the following notice requirements:

The Board of Adjustment shall give public notice of the hearing published in a newspaper of general circulation in the City a minimum of one time, at least ten (10) days prior to the hearing.

The Secretary to the Board of Adjustment shall also notify all adjoining property owners in writing by notification mailed at least ten (10) days prior to the hearing.

#### **Section 5. Fee.**

A fee established by the Council shall be paid to the City of Reidsville, North Carolina, for each application for a variance appeal, or special use permit to cover the necessary administration costs and advertising.

#### **Section 6. Voting.**

A quorum shall consist of the majority of the total members of the Board. However, a concurring vote of four-fifths (4/5) of the total members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to grant a variance from the provisions of the Ordinance.

#### **Section 7. Construction.**

Upon granting of any favorable decision, special use, or variance resulting in the issuance of a building permit, the permit must be obtained and construction or the proposed use begun within 180 days of the date of the Board of Adjustment hearing, after which the permit shall be null and void.

#### **Section 8. Judicial Review of Decisions of the Board.**

Judicial review of the decisions of the Board of Adjustment shall be sought in the Rockingham County Superior Court.