

## **ARTICLE 3. ADMINISTRATIVE MECHANISMS**

### **PART I. BOARD OF ADJUSTMENT**

#### **Section 3-1: Created, Membership**

As of the effective date of this Zoning Ordinance, the Board of Adjustment as it previously existed shall be abolished. As of such effective date, a new Board of Adjustment shall be established, which shall consist of five (5) voting members from within the Town corporate limits and two (2) voting members from the extraterritorial jurisdiction (ETJ) of the Town. The five (5) voting members of the Town Board of Commissioners shall serve ex officio as the five in-town representatives on the Board of Adjustment. The two (2) out-of-town members shall serve three (3) year terms and shall be appointed by the Harnett County Board of Commissioners or as otherwise provided by statute. Out-of-town members shall have the right to vote upon matters arising within the corporate limits. In addition, there shall be one (1) in-town alternate and one (1) out-of-town alternate. The in-town alternate shall be the Mayor ex-officio as described below. Out-of-town members of the Board may be removed for cause by the Board of Commissioners upon written charges and after public hearing.

#### **Section 3-2: Meetings**

The Mayor of the Town of Lillington shall serve as the Chairman of the Board of Adjustment. The Chairman may not vote on matters before the Board of Adjustment unless fewer than six (6) members are present and the Chairman's participation would create a quorum. The Mayor Pro Tem shall serve as Vice-Chairman but retains the right to vote on all matters before the Board. The Town Clerk, or such other person as the Board of Adjustment shall appoint, shall serve as Clerk to the Board of Adjustment. Meetings of the Board shall be held at the call of the Chairman or at such other times as the Board may determine. The Chairman, or in his absence, the Vice 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 or his absence or failure to vote, and of its other official actions.

### **Section 3-3: Filing and Notice for an Appeal**

Appeals from the enforcement and interpretation of this Ordinance and appeals for variances may be taken to the Board of Adjustment by any person aggrieved or by any office, department, board, or bureau of the town affected. Notice of an appeal to the Board of Adjustment shall be filed with the Administrator within ten (10) days of the disputed decision. An appeal stays all proceedings in furtherance of the action, unless the Administrator 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 a restraining order, which may be granted by the Board or by a court of record.

### **Section 3-4: Power and Duties**

The Board of Adjustment shall have the following powers and duties:

- (A) To hear and decide appeals where it is alleged by the appellant that there is error in any decision made by the Administrator or other administrative officials in the carrying out or enforcing of any provision of the Ordinance. A concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to reverse, wholly or partly, any such decision.
  
- (B) To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. In granting any variance, the Board shall follow the requirements of Articles 20 (Appeals, Variances, and Interpretations) and 21 (Hearing Procedures for Appeals and Applications).

## **PART II. ZONING ADMINISTRATOR**

### **Section 3-5: Zoning Administrator**

The Town Manager is appointed as the Zoning Administrator and has the primary responsibility for administering and enforcing this Ordinance, the Minimum Housing Ordinance, and the Abandoned Structures Ordinance. Other Town staff members may be appointed by the Town Manager to assist him in these duties.

**PART III. BOARD OF COMMISSIONERS**

**Section 3-6: Powers and Duties**

- (A) The Board of Commissioners, in considering conditional use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Articles 15 and 21 of this Ordinance.
- (B) In considering proposed changes in the text of this Ordinance or in the zoning map, the Board of Commissioners acts in its legislative capacity and must proceed in accordance with the requirements of Article 24.
- (C) Unless otherwise specifically provided in this Ordinance, in acting upon conditional use permit requests or in considering amendments to this Ordinance or the zoning map, the Board of Commissioners shall follow the regular voting and other requirements as set forth in other provisions of the Town code.