

# TOWN OF SMITHFIELD BOARD OF ADJUSTMENT AGENDA PACKET



Chairman: Stephen Upton  
Vice-Chairman: Mark Lane

Sarah Edwards  
Keith Dimsdale  
Jeremy Pearce  
Richard Upton

Stephen Wensman, AICP, RLA, Planning Director  
Mark Helmer AICP, CZO, Senior Planner  
Julie Edmonds, Administrative Assistant

**Meeting Date: Thursday, December 17, 2020**

**Meeting Time: 6:00 p.m.**

**Meeting Place: Council Chambers, Smithfield Town Hall**

**AGENDA  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
DECEMBER 17, 2020  
MEETING TIME: 6:00 PM  
TOWN HALL**

**Call to Order.**

Approval of the minutes for November 18, 2020

Swearing in on new board member Jeremy Pearce

Swearing in on new board member Richard Upton

**Public Hearings**

None

**Old Business.**

**BA-20-07 Johnston County sidewalk variance:** The applicant has requested the petition for a variance be tabled until some undetermined future date.

**New Business.**

Town of Smithfield Social Media Policy for Appointed and Elected Board / Committee Members

Board and staff discussion on “Background Material for Board of Adjustment Workshop” by David Owen

Board and staff discussion on YouTube video “[Board of Adjustment Workshop 2013](#)” by David Owen

**Adjournment.**

**Draft  
Smithfield  
Board of Adjustment  
Minutes  
Thursday, November 18, 2020  
6:20 P.M.,  
Town Hall, Council Chambers**

**Members Present:**

Stephen Upton, Chairman  
Mark Lane, Vice Chairman  
Keith Dimsdale  
Sarah Edwards

**Members Absent:**

**Staff Present:**

Stephen Wensman, Planning Director  
Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Support Specialist

**Staff Absent:**

**CALL TO ORDER**

**Approval of minutes from September 24, 2020**

Sarah Edwards made a motion, seconded by Keith Dimsdale to approve the minutes as written. Unanimously Approved

**Open Public Hearing**

Keith Dimsdale made a motion to open BA-20-05, seconded by Sarah Edwards. Unanimously Approved

**BA-20-05 Paul R. Schultze:** The applicant is requesting a variance to the Town of Smithfield Unified Development Ordinance, Article 10, Section 10.23.3 to allow for a reduction to the minimum sign setback requirements on property located within a OI (Office-Institutional) zoning district. The property considered for a variance is located on the northwest side of the intersection of Booker Dairy Road and Heritage Drive and further identified as Johnston County Tax ID# 14057197D.

Mark Helmer stated that Paul Schultz, owner of the Schultz Insurance Agency is requesting a 2-foot variance from the 10' sign setback to construct a ground mounted monument sign. The visibility to the office from the street is limited due to a mature hedge (4.5-feet high) and trees that were required at the time the site was developed. The existing wall signs are small and not visible from the street. Furthermore, there is a mature evergreen buffer along the north property line up to the sidewalk (between the commercial and residential uses) that restrict visibility from the north. The applicant wants the monument sign so that customers can more easily find his business and to advertise his business. The applicant intends to remove some of the mature hedge and replace it with shorter shrubs that will not obscure the proposed sign. The applicant is requesting the 2'-foot variance in order to bring the sign a bit closer to the street to mitigate the impact of the evergreen trees along the north property line. The applicant has proposed a sign that

meets the sign regulations, which is in keeping with a reasonable size and scale for the property and type of business.

**RECOMMENDATION:** Staff recommends approval of the variance request for a 2-foot variance from the 10-foot sign setback standard.

**FINDINGS OF VARIANCE APPROVAL:**

In order to approval a variance, the Board of Adjustments shall find all of the following provisions must be met (Staff's findings are in **bold / italic**):

**4.10.2.2.1.** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. **The variance is warranted because a ten-foot setback would hinder visibility of the proposed sign. A sign to advertise the business is a regular accessory to a business, and often essential for the business to thrive.**

**4.10.2.2.2.** 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. **The hardship results from the fact that this property has a mature landscape that was required as part of the site development and a mature evergreen buffer between the commercial and residential land uses along the north property line which limits where a sign can be located and remain visible from the road.**

**4.10.2.2.3.** 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 shall not be regarded as a self-created hardship. **The hardship was not created by the applicant, rather, the landscaping and buffer were requirements of development. The landscaping has matured and has blocked visibility of existing signs and limited where a new sign can be located and be seen from the road.**

**4.10.2.2.4.** The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved. **The granting of the variance is very much consistent with the spirit, purpose and intent of the sign ordinance. The applicant has tried to minimize the amount of variance being requested to install the needed sign.**

Mark Lane made a motion to approve BA-20-05, with all 4 findings of fact granting a 2-foot variance from the 10-foot sign setback from the Booker Dairy Road public right-of-way, based on the adoption of Staff's finding of fact; seconded by Keith Dimsdale. Unanimously approved.

**BA-20-07 Johnston County:** Johnston County is requesting a variance from the requirement to construct a sidewalk along the public right-of-way, Unified Development Ordinance, Section 2.22.

Sarah Edwards made a motion to open BA-20-07, seconded by Keith Dimsdale. Unanimously approved.

Stephen Wensman stated Johnston County is requesting a variance from the requirement to construct a sidewalk along the public right-of-way, Unified Development Ordinance, Section 2.22.

Mr. Wensman said the project is Johnston County Detention Center and it's located at 1071 Yelverton Grove Rd. The property is further identified as Johnston County Tax ID# 15L11011. This property is surrounded by agricultural, commercial and manufactured homes. It's a mix of uses; a lot of it undeveloped. The required sidewalks are shown in an easement adjacent to the right of way. DOT wouldn't allow the required sidewalk in the right-of-way because of the ditch. Johnston County bases its request on the following reasons:

- The nearest connecting sidewalk is on the west side of Interstate-95 (roughly a mile away) and there are no sidewalks on the I-95 bridge.
- The area to the east is sparsely developed and the sidewalk on US Hwy 70 Business East would not be used.
- The area to the north of the development is primarily agriculture and the sidewalk on Yelverton would not be used.
- Pedestrian traffic is generally considered a security risk for the detention center and is monitored and controlled.
- The sidewalks are a liability because they direct pedestrians to areas without sidewalks with vehicle traffic.

Staff's analysis of the reasons for the variance differ from that of the applicant. Staff's comments are as follows:

- Although it's true that the nearest sidewalk is nearly a mile away, the NCDOT has plans to replace the I-95 bridge with sidewalks. Furthermore, there has been an increased interest in the east side of I-95 by residential and commercial developers recently. Staff also believes the traffic generated by the Johnston County Detention Center will stimulate increased interest by other businesses located along the corridor. The sidewalk requirement is intended to provide pedestrian connectivity over time, development by development. It is common for developers or property owners developing their properties to use this argument whenever a required sidewalk lacks a connecting sidewalk. If the sidewalks are not constructed with development; they will likely need to be constructed by the town at the town's expense.
- The east side is currently sparsely developed; however, staff believes the area is in transition. With the jail's relocation and a new I-95 bridge planned for construction, it is believed that additional development will follow.
- The public right-of-way is currently used primarily for vehicular traffic; however, it is the trend and even the policy of NCDOT to consider multi-modal traffic (bikes and pedestrians). The Town's comprehensive plan (Town Plan) envisions this corridor to be a "Suburban Corridor" with sidewalks on both sides and curb and gutter from I-95 past the Yelverton Grove intersection with "capacity and mobility" improvements needed to reduce congestion by means of additional lanes of traffic and increased mobility options.

Pedestrians on the detention center property may be a security risk, however, the subject sidewalk will be in a public easement adjacent to the public right-of-way. The risk is no more than in if the right-of-way were wider with a sidewalk. The existing detention facility is in downtown Smithfield where there are sidewalks in the rights-of-way on all four sides of the building. There is always a risk that a vehicle might stop and a passenger gets out of a vehicle along the detention center facility street frontage. The alternative to the sidewalk on County property in an easement is to develop an urban street section with curb and gutter which is a much more expensive alternative for the County.

- Staff does not see the liability in requiring sidewalks that are not connected to other sidewalks. Over time the system will build out. A similar situation exists all over town. There are many corridors where residents walk in the grass shoulder or ditches and the requirement of UDO Section 2.22 is attempting to remedy that situation by providing for pedestrian mobility.

Mr. Stephen Upton asked if building sidewalks wasn't a prerequisite to new development.

Mr. Stephen Wensman said it's required in the code. All new commercial development is required to build sidewalks along the throughfares. That's why the applicant is trying to get a variance from the requirement.

Mr. Mark Lane stated that he was concerned about the proposed sidewalk being too close to the adjacent property owners.

Mr. Stephen Wensman said the Langston's would need an easement on their property; the Town would have to purchase an easement.

Mr. Stephen Wensman said at some point in the future this intersection will have to be upgraded. What's there today may not exist in the future in terms of ditches and street profiles.

Mr. Dimsdale said it makes more sense to him to not do it if it's just going to be torn up anyway.

Mark Lane asked Stephen Wensman if he was sure when the intersection was redone in the future that this proposed sidewalk wouldn't be destroyed.

Mr. Wensman couldn't make that promise. He does however feel as development comes further to the East, sidewalks will be required on those properties. The intent of the ordinance and the goals of the Town are to create a connected multimodal community to prevent anyone from walking in the ditches. There has been a lot of developmental interest all over town, especially in this area. If we don't get the sidewalks now, we likely won't get them for another 20 years.

Ms. Sarah Edwards stated based on the maps and aerial view available, it looks like the sidewalk around the property at Quality Equipment would not impact the parking area. It would be between the current fencing and the road.

Mark Lane asked how about the Yelverton Grove side.

Sarah Edwards said it looks like both of them would be outside of that right-of-way.

Sarah Edwards asked Stephen Wensman if there would be a requirement that a sidewalk be erected unless the property was redeveloped.

Mr. Wensman said only if redeveloped or it has a special use permit.

Mr. Dimsdale asked if a 55-mph highway speed limit would have any bearing on why you would want a sidewalk.

Mr. Wensman asked how else would people get around. That's why the DOT wants the sidewalk on the far side of the ditch.

Mr. Lane asked how far a sidewalk would be from the edge of the road.

Mr. Wensman said he didn't really know without looking on GIS.

Mr. Lane said we already have a two-lane road on Yelverton and Hwy 70 Business. There's a turning lane on down by Becky's Log Cabin. With the amount of traffic going and coming from the detention center that road will have to be upgraded to a turning lane and maybe more.

Mr. Helmer said DOT will likely have to come in at some point and upgrade the highway into a 4-lane divided road with curb and gutter sections on the side. That would be ideal and what the town would like. DOT typically will not pay for sidewalks if they aren't currently there. If we were to wait and the highway were enlarged, DOT would expect the town to pay a portion of it.

Mr. Wensman said this sidewalk will not be in the DOT right-of-way. It will be adjacent to the DOT right-of-way so the work would likely be contained in the right-of-way and leave the sidewalk alone.

Ms. Edwards asked if a turning wasn't already being added at this location.

Mr. Wensman said you can see a turning lane in this image (shown on projector screen)

Mr. Upton asked if we weren't here tonight for a specific variance.

Mr. Wensman said we are here tonight to look at the findings of fact and see if the applicant can meet them for a variance.

#### **STAFF FINDINGS OF VARIANCE DENIAL:**

In order to deny a variance, the Board of Adjustments shall find all of the following provisions cannot be met (Staff's findings are in ***bold/italic***):

***4.10.2.2.1.*** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. ***There is reasonable use of the property without the variance. The security concerns, although real, also exist at***

***the County's current detention facility in Downtown Smithfield. The County could construct an urban street section with curb and gutter to move the sidewalk into the public right-of-way rather than on the County property.***

***4.10.2.2.2.*** 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. ***There are no conditions peculiar to the property such as location, size or topography that prohibit the construction of the sidewalk. If the County strongly objects to construction the sidewalk adjacent to the public right-of-way in an easement, they could work with NCDOT to construct an urban street section with a sidewalk and curb and gutter.***

***4.10.2.2.3.*** 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 shall not be regarded as a self-created hardship. ***The regulations were in place prior to the purchase and development of the property.***

***4.10.2.2.4.*** The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved. ***The intent of the ordinance is to develop pedestrian street connectivity over time, development by development. A public sidewalk does not present a public safety issue. The variance is not consistent with the spirit, purpose and intent of the Ordinance.***

Mr. Helmer stated in accordance with the general statutes requires a 4/5 majority vote for this board to rule one way or the other on this case. Since we only have 4 members any vote would have to be unanimous among the four members. If the applicant chooses, they can withdraw or table the request any time prior to the board making a formal vote.

Mr. Lane asked if it meant that all board members had to vote in favor of the variance in order for it to pass.

Mr. Helmer said yes, it must be unanimous.

Chad Simmons of McGill Associates in Smithfield spoke on behalf of Johnston County. He said he had worked with the County on this project for a while and the County hasn't expressed any intention in shirking their responsibility in delivering anything but a responsible, safe and secure facility for the citizens of Johnston County. Mr. Wensman stated the applicant doesn't see a lot of use for these sidewalks. Mr. Simmons showed a map referencing the Johnston County Detention Center. It points out the intersection of Yelverton Grove Rd and Hwy 70 Business. It also makes reference to proposed I-95 interchange improvements as well. Currently the closet sidewalks are over a mile away at Carolina Premium Outlets. It does present uses that would draw pedestrian activity. The proposed uses around the site are not large generators of pedestrian traffic. It'd envisioned that the majority of users of this property will access it by a vehicle.

The County feels the sidewalks will pose a risk to public safety. They don't feel like they should be penalized for not putting in sidewalks for what should be a secure facility. The Town of Smithfield had an opportunity to extend the sidewalk beyond the bridge over I-



95 closer to this proposed area and declined. Mr. Simmons presented emails from DOT detailing that the Town did decline to extend sidewalks to the Mallard Rd realignment. In order to get to that use pedestrians from the North side of Hwy 70 would use the sidewalk along Yelverton Grove Road or along Hwy 70 on the county's property, would have to cross Hwy 70 to get to the sidewalk. On a 55-mph highway without pedestrian facilities, people would likely cross at that Yelverton Grove Road intersection. It has no signalization, no pedestrian improvements and in the end that increased liability. We have concerns who would share in the liability of that sidewalk with this being on the county's property that's not within a public right-of-way. Yes, it's in a public easement, but who maintains that easement. Who maintains the sidewalk until pedestrians do begin to use it? Would the county be responsible for keeping weeds off of the sidewalk and edging it? These are a few reasons why we're apprehensive about putting in a sidewalk that will not see much use for a while.

Mr. Dimsdale asked if the proposed sidewalks were on the opposite side of the road of the detention center.

Mr. Simmons said the current plan as proposed by DOT for the I-95 bridge reconstruction is on the south side of that bridge.

Mr. Lane asked who would be responsible for the sidewalk.

Mr. Wensman said it is a public sidewalk so it would be the responsibility of the town.

Ken Langston who was in attendance on behalf of the adjacent property owner came forward. He asked what the dotted line on the map represented.

Mr. Simmons said it is the right-of-way line.

Mr. Lane said he had a problem with a sidewalk that will go to nowhere. Even if the land is developed on the north side of Hwy 70, he still had a problem with it.

Ms., Edwards said her opinion is yes, you have a sidewalk to nowhere for a portion of time. We have had those around town for a while. We have started to see those sidewalks become something though. Based on the development around town, it's here and coming and we are closer to that corridor being developed.

Mr. Dimsdale said if this was on the west side of the interstate, he could understand it but seems unnecessary.

Ms. Edwards said if the variance is not granted and at some point, it becomes the town's responsibility to provide the sidewalk; would the town require an easement from the county to provide that sidewalk?

Mr. Wensman stated that the public easement was already recorded. We would have the option to put the sidewalk in that easement at the town's expense.

Mr. Wensman reminded the board that whatever decision is made, that it be tied to the findings of fact.

Sherriff Steve Bizzell came forward to speak on behalf of the County. He said when he came tonight, he didn't realize we were going to discuss a sidewalk on the Yelverton Grove side but instead on the Hwy 70 side. As a taxpayer and the Sherriff, this is a sidewalk to nowhere. If you're walking on Hwy 70 from Collins Boats westbound and you get to the jail property, you're going to walk off the side of the road onto the property onto a sidewalk. You're going to get to the John Deere dealership, Mr. and Mrs. Langston's property and the sidewalk is going to stop. You will walk off the county's property back onto the side of the road. In the future even if a sidewalk goes east of I-95 its' going to be on the south side of 70. You would have to cross the road at the Yelverton Grove intersection to get on the sidewalk to go to I-95. It's interesting to him that the Town of Smithfield voted to not participate in putting a sidewalk east of I-95 on the southbound side. But yet we're here tonight to discuss the Board of Adjustment telling us we have to put a sidewalk further down the road in a field on nothing but a loop road. We don't want people dropped off to walk up and down a sidewalk to nowhere. In his 22 years as Sherriff and 30 years with the County, he can assure everyone if the growth comes and a sidewalk is truly needed, one would be put in.

Ms. Edwards asked if the town didn't just approve an expansion of the mobile home park east of the detention center.

Mr. Wensman said to the south of Yelverton Grove Road there is a mobile home park that was recently approved to expand. It's about 1 mile down the road.

Mr. Upton asked Mr. Helmer to once again explain to the board how the voting should take place.

Mr. Helmer said this is a quasi-judicial hearing and it requires a unanimous 4/5 vote since there are only 4 members. In order for the variance to be approved everyone must vote the same.

Mr. Simmons asked what the appeal options would be if the variance were to get denied.

Mr. Helmer said the appeal would go before superior court.

Mr. Simmons said the county would like to withdraw the variance request at this time.

Mr. Simmons was asked by Mark Lane if they wanted to postpone or withdraw.

Mr. Simmons said they would like to postpone the request.

Mr. Helmer asked if they wanted a 30-day postponement.

Mr. Simmons said yes, 30 days from now would be fine.

Mr. Helmer stated the next scheduled BOA meeting would be on December 17<sup>th</sup> at 6:00 pm.

Keith Dimsdale made a motion to table BA-20-07; seconded by Sarah Edwards. Unanimously approved.

Sarah Edwards made a motion to close BA-20-07; seconded by Keith Dimsdale. Unanimously approved.

The next BOA meeting will take place on Thursday, December 17th, 2020 at 6pm.

Old Business  
None

New Business  
None

Mark Lane made a motion to adjourn, seconded by Sarah Edwards. Unanimously Approved

Julie Edmonds



Administrative Support Specialist  
Town of Smithfield Planning Department

DRAFT

## Stephen Wensman

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**From:** Chad Simmons <chad.simmons@mcgillassociates.com>  
**Sent:** Sunday, December 6, 2020 12:17 PM  
**To:** Stephen Wensman  
**Cc:** Julie Edmonds; Mark Helmer; Dan Simmons  
**Subject:** RE: Board of Adjustments

Stephen,

Based on your conversation with Dan, I think we want to see where a UDO text amendment will go before going back to the board of adjustment. By the way, since Dan is recovered from surgery, he'll be taking this effort back over.



**Chad Simmons PE**  
Senior Project Manager  
McGill Associates, P.A.  
5400 Trinity Road, Suite 107, Raleigh, NC 27607  
**T** 919.378.9111  
**C** 919.610.1476  
chad.simmons@mcgillassociates.com  
mcgillassociates.com

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**From:** Stephen Wensman <stephen.wensman@smithfield-nc.com>  
**Sent:** Wednesday, November 25, 2020 8:55 AM  
**To:** Chad Simmons <chad.simmons@mcgillassociates.com>  
**Cc:** Julie Edmonds <julie.edmonds@smithfield-nc.com>; Mark Helmer <mark.helmer@smithfield-nc.com>  
**Subject:** Board of Adjustments

Chad, I am checking back with you to see if the County is still interested in the Variance request at the Board of Adjustments in December.

Thanks,

**Stephen Wensman**  
Planning Director  
Town of Smithfield  
PO Box 761  
Smithfield NC 27577  
(919) 934-2116 Ext. 1114

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY  
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

**I. Policy:**

A. **Introduction.** The Town of Smithfield (the “Town”) depends upon an environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town.

B. **Purpose.** The purpose of this policy is to provide notice to appointed and elected board and committee members that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, or its employees; (2) expose the Town to liability for behavior that may be harassing, offensive, or maliciously false; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as Officials of the Town.

**II. Definitions:**

1. The Town: Town of Smithfield.
2. Official: An individual who holds office in the Town, whether elected or appointed.
3. Social Media: Online forums in which individuals participate in the exchange of ideas, messages, and content, including but not limited to, blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter).
4. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

**III. General Provisions:**

A. While Officials may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their status as Officials of the Town requires that the content of any postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules or regulations. The Town’s image as a professional organization comprised of professionals is critical to maintaining the respect of its constituents. Although the Town recognizes that Officials may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression should not interfere with the operation of the Town. Although the Town acknowledges its Officials have the First Amendment right to free speech, the right is not absolute and extends only to matters of public concern. Therefore, Officials should exercise caution with respect to comments they post, particularly those concerning the Town and the business of the Town; or in instances where it could be perceived that they are representing the Town.

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY  
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

B. This section describes acceptable and unacceptable uses of all social media by Officials. Officials should use their best personal judgment when using any form of social media and must ensure that their use does not violate this or any other Town policy.

C. Use of social media is also subject to the Town's Sexual Harassment Policy, Use of Town Supplies and Equipment Policy and Acceptable Use Policy, as well as the Town's other policies and standards of conduct, rules, regulations, and by-laws.

D. All use of social media is subject to the following conditions:

1. There is no guarantee of privacy for electronic communications through Town systems or equipment. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited using the Town's network will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices including, but not limited to, Town-issued email accounts, Internet services, Intranet, Town-owned laptops and computers provided for remote use, and computer software constitutes acceptance of such monitoring. Content maintained electronically is also subject to the Public Records Law.
2. All Officials are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
3. Officials must not reveal any confidential or privileged information about the Town, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against the inadvertent disclosure of confidential information.
4. Officials must not harass others in contravention of the Town's Sexual Harassment Policy, Use of Town Supplies and Equipment Policy or Acceptable Use Policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this Policy even if the Town's name or the name(s) of any individual is not specifically referenced.
5. Officials should be honest and accurate when posting information or news, and if they make a mistake must correct it quickly. Officials should not post any information or rumors they know to be false about the Town, its

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY  
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

employees, constituents, officials, suppliers, vendors, contractors or any other entities or individuals.

6. Officials may express only their personal opinions and should never represent themselves as a spokesperson for the Town, their board or committee unless designated to do so. If the Town is a subject of the content created by an Official, the Official should be clear and open about the fact that he/she is an Official of the Town and should make it clear that his/her personal views do not represent those of the Town, or its employees, officials, suppliers, vendors, or any other agent of the Town unless designated to do so. Officials who publish blogs or other online posts related to their role with the Town should make clear that they are not speaking on behalf of the Town (unless designated to do so). Further, an Official's decision to express their personal opinions does not alleviate their responsibility as an Official to take appropriate action under the circumstances, which may include, but not be limited to, taking action themselves or reporting an issue to the Human Resources Director or Town Manager.
7. Officials must also recognize that posting content regarding Town-related matters may result in the violation of the open meeting laws if the medium and manner used would constitute a quorum. Officials should consult with the Town Clerk, Town Attorney or Town Manager with any questions or concerns prior to posting.
8. Officials are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).
9. Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.
10. Officials are generally not authorized to provide employee references and are prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about employees.
11. Officials must be mindful that residents, property owners and others appearing before Town boards or committees come from all walks of life. Public comments, in any forum, that contain racial slurs, express bigotry toward a group based on their race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification shall be considered conduct unbecoming a Town Official and shall constitute good cause for removal for any appointed Official.

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY  
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

E. The Town encourages anyone who uses social media in contravention of this policy to be honest and admit the error as soon as it occurs. Although errors cannot always be erased, prompt notification can make a significant difference in the Town's ability to correct or remedy the issue.

F. Beyond the above general provisions, appointed and elected board/committee members are strongly encouraged to consider the impact of their statements before making them. The Town strives to be professional in its operations and processes. Posts that suggest a likelihood of more or less favorable treatment toward any individual or group of individuals, e.g., based upon race, gender, national origin, sexual orientation, reflects poorly on the individual making an inappropriate statement as well as the Town and its citizens. Further, comments suggesting such treatment can expose the Town to liability and legal costs. All are strongly encouraged to carefully consider their comments before posting them.

G. Nothing in this policy precludes the Town Council from removing any appointed Official of any approved board for the Town, as these positions are considered "At Will" appointments.

**IV. Complaints or Problems of Misuse:**

Should any Official receive or become aware of a violation of this policy, the Official should report the violation to the Human Resources Director or Town Manager.

In accordance with the Town's Whistleblower Policy, the Town prohibits taking action against anyone for reporting a possible violation of this Policy or for cooperating in an investigation.

**V. Questions:**

Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to ask the Human Resources Director or Town Manager.

**VI. Discipline.**

Violation of this Policy may constitute good cause for removal of appointed Officials. Elected officials may be subject to a request for their resignation, public censure or reprimand or a recall petition. A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy.

This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.



TOWN OF SMITHFIELD SOCIAL MEDIA POLICY  
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

**Acknowledgment of Receipt of Policy**

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Name (Print)

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Signature

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Date

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Witness



# Background Material for Board of Adjustment

David W. Owens

February, 2014

Legal topic(s)

Decisions can be grouped into four categories: legislative, quasi-judicial, advisory, and administrative. Often the body charged with making the decision varies according to the type of decision involved. Governing boards usually make legislative decisions but can also make quasi-judicial decisions. Planning boards usually make advisory decisions but can also make quasi-judicial decisions. However, more important than which *board* is making the decision, the rules that must be followed change depending on the *type* of decision involved, and these rules apply no matter which board is making the decision. Therefore knowing the type of decision is vital to determining what decision-making process should be used.

**Summary:**

## Background Material for Board of Adjustment Workshops

February 2014

### Roles and Types of Decisions

Decisions can be grouped into four categories: legislative, quasi-judicial, advisory, and administrative. Often the body charged with making the decision varies according to the type of decision involved. Governing boards usually make legislative decisions but can also make quasi-judicial decisions. Planning boards usually make advisory decisions but can also make quasi-judicial decisions. However, more important than which board is making the decision, the rules that must be followed change depending on the type of decision involved, and these rules apply no matter which board is making the decision. Therefore knowing the type of decision is vital to determining what decision-making process should be used.

Legislative decisions affect the entire community by setting general policies applicable through the zoning or other ordinance. They include decisions to adopt, amend, or repeal the ordinance. The zoning map is a part of the zoning ordinance, so amending the map to rezone even an individual parcel is considered a legislative decision. Because legislative decisions have such an important impact on landowners, neighbors, and the public, state law mandates broad public notice and hearing requirements for these decisions. Broad public discussion and careful deliberation are encouraged and substantial discretion on these decisions is allowed. These decisions are generally made by the local government body, which "legislates" or sets policy.

Quasi-judicial decisions involve the application of ordinance policies to individual situations. Examples include variances, special- and conditional-use permits (even if issued by the governing board), appeals, and interpretations. These decisions involve two key elements—the finding of facts regarding the specific proposal and the exercise of judgment and discretion in applying predetermined policies to the situation. Since quasi-judicial decisions do not involve setting new policies, the broad public notice requirements that exist for legislative decisions do not apply. However, the courts have imposed fairly strict procedural requirements on these decisions in order to protect the legal rights of the parties involved. Quasi-judicial decisions are most often assigned to boards of adjustment, appointed by the governing board. But these decisions can also be assigned to the planning board or to the governing board itself.

Advisory decisions are made by bodies that may recommend decisions on a matter but have no final decision-making authority over it. The most common example is the advice on rezoning petitions given by planning boards to the city council or board of county commissioners. There are few rules set by state law or by the courts on how advisory decisions are made.

Administrative decisions are typically made by professional staff in various government departments. Such decisions cover the day-to-day non-discretionary matters related to the implementation of an ordinance, including issuing basic permits, interpreting the ordinance, and enforcing it. Examples include issuing a certificate of zoning compliance for a permitted use or a notice of violation. These decisions may be appealed to the board of adjustment.

## Some Key Differences Between Legislative and Quasi-judicial Decisions

	Legislative	Quasi-judicial
Decision-maker	Only governing board can decide (others may advise)	Can be board of adjustment, planning board, or governing board
Notice of hearing	Newspaper; mailed notice to owners and neighbors and posted notice for map amendments; actual notice to owner if others initiate map amendment	Mailed notice to applicant, owner, and abutting owners; posted notice; others as ordinance mandates

Type of hearing	Legislative	Evidentiary
Speakers at hearings	Can reasonably limit number of speakers, time for speakers	Witnesses are presenting testimony, can limit to relevant evidence that is not repetitious
Evidence	None required; members free to discuss issue outside of hearing	Must have substantial, competent, material evidence in record; witnesses under oath, subject to cross-examination; no ex parte communication allowed
Findings	None required (statement on rationale required for zoning amendments)	Written findings of fact required; must determine contested facts
Voting	Simple majority, but 3/4 required if protest petition filed on rezoning	Simple majority except 4/5 to grant a variance
Standard for decision	Establishes standards	Can only apply standards previously set in statute and ordinance
Conditions	Not allowed, except with conditional zoning districts	Allowed if based on standard in ordinance
Time to initiate judicial review	Two months to file challenge map amendment; one year from standing for text amendment	30 days to file challenge
Conflict of interest	Requires direct, substantial, and readily identifiable financial interest to disqualify	Any financial interest, personal bias, or undisclosed ex parte communication disqualifies; impartiality required
Creation of vested right	None	Yes, if substantial expenditures are made in reliance on it

## TYPICAL ALLOCATION OF LOCAL GOVERNMENT PLANNING FUNCTIONS

Agency	Primary role	Other possibilities
<p>GOVERNING BOARD: (city council, county board of commissioners)</p>	<p>Legislative decisions: adopts ordinances, amendments, policy statements, budgets; approves acquisitions; makes appointments to other bodies</p>	<p>May also serve as planning board; may approve plats and special use permits</p>
<p>PLANNING BOARD: (planning board; planning commission; planning committee of governing board)</p>	<p>Advisory decisions: sponsors planning studies; recommends policies, advises governing board; coordinates public participation; must recommend initial zoning ordinance</p>	<p>May also serve as board of adjustment; may approve or review plats</p>
<p>BOARD OF ADJUSTMENT:</p>	<p>Quasi-judicial decisions: hears zoning appeals, variances, special and conditional use permits</p>	
<p>STAFF: (Planning department, inspections department, community development department)</p>	<p>Administrative decisions: issues permits, conducts technical studies, initiates enforcement; advises manager</p>	

## Preliminary Matters

Notice of hearings. A local government must give notice of its quasi-judicial hearings to all parties to the case. State law requires individual mailed notice to:

1. The applicant;
2. The owner of the affected property;
3. The owner of abutting properties; and
4. Anyone else required to receive notice under the ordinance.

The mailed notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. A notice must also be posted on the site within the same time period. The zoning statutes impose no published notice requirements for quasi-judicial decisions (unlike proposed zoning amendments). If a zoning ordinance itself requires additional notice, such as publication in the newspaper or a wider mailing, that additional notice is mandatory. The open meetings law also has requirements for meeting notices. Once a hearing has been opened, it may be continued to a later date if that is necessary to receive additional evidence. Additional notice of the continued hearing is not required by law, but many boards provide it.

Open meetings law. Boards of adjustment are subject to the state open meetings law [G.S. 143-318.9 to 143-318.18]. All meetings of a majority of the board, or any committees of the board, for the purpose of conducting business must be open to the public. Closed sessions may be held only for narrow purposes set forth by statute (e.g., receiving legal advice regarding pending litigation). A board may not retire to a private session to deliberate a case. Public notice must be provided for all meetings (regular schedule filed with clerk, special meetings notice posted and mailed to media).

Liability. Members of boards making quasi-judicial decisions are “public officers” and, as such, have limited exposure to personal liability as a result of board actions. Members do have exposure to liability for intentional torts (such as assaulting someone during a board meeting) and for willful misconduct (such as intentionally denying a permit that should have been issued because of a personal vendetta against the applicant). Good faith mistakes or errors in judgment do not expose members to personal liability.

## Quasi-Judicial Hearings and Decisions

### Collecting Evidence

Subpoenas. Boards conducting these hearings have the authority to issue subpoenas to compel testimony or production of evidence deemed necessary to determine the matter. Requests for subpoenas and objections to subpoenas are made to the board chair prior to the hearing, who then rules on and issues the subpoena. Objections to the chair’s rulings may be taken to the full board.

Burden. The person requesting a variance or special/conditional use permit has the burden of producing sufficient evidence for the board to conclude the standards have been met. If insufficient evidence is presented, the application must be denied (or the board can continue the hearing to a later

date to receive additional evidence). Once sufficient evidence is presented that the standards are met, the applicant is entitled to approval. If conflicting evidence is presented, the board must determine which facts it believes are correct.

Oaths. Those offering testimony are usually put under oath. This reminds witnesses of the seriousness of the matter and the necessity of presenting factual information, not opinions or speculation. All of the witnesses may be sworn in at one time at the beginning of the hearing or each witness may be sworn in as they begin to testify. While oaths may be waived if all of the parties agree, most local governments routinely swear in all witnesses, including the staff members and attorneys who are making presentations. If a witness has religious objections to taking an oath, they may affirm rather than swear an oath. The oath is generally administered by the chair or clerk of the board receiving the testimony (it may also be administered by any notary public).

Cross-examination. Parties have the right to cross-examine witnesses. The board can establish reasonable procedures for this, such as allowing questions to be posed only by a single representative of a party. Board members are also free to pose questions to anyone presenting evidence.

Hearsay. Hearsay evidence (a statement about the facts made by someone who is not present and available for cross-examination) is generally not allowed. If that is the best evidence available the board can receive it, but the board may well decide to limit the weight or credibility it gives such evidence.

Opinions. Opinion evidence generally should be offered only by a properly qualified expert witness. The statutes specifically prohibit use of opinion testimony by nonexperts on how a project would affect property values, how traffic would affect public safety, and any other matter for which only expert testimony would be permitted in court.

False testimony. A person who deliberately gives false testimony under oath in a zoning hearing is subject to criminal charges for perjury.

Outside evidence. Persons affected by a decision have the legal right to hear all of the information presented to board members, to know all of the "facts" being considered by the board. Therefore members of the decision-making body are not allowed to discuss the case or gather evidence outside of the hearing (what the courts term *ex parte* communication). Only facts presented to the full board at the hearing may be considered. It is permissible for board members to view the site in question before the hearing, but they should not talk about the case with the applicant, neighbors, or staff outside of the hearing. If a member has personal knowledge about a site or case, the member should disclose that at the hearing.



Time limits. While unduly repetitious or irrelevant testimony can be barred, an arbitrary time limit on the hearing cannot be used. It would not be appropriate, for example, to limit each side in a variance proceeding to ten minutes to present their case. It is acceptable to allow only a single witness representing a group with similar concerns.

Exhibits. Witnesses may present documents, photos, maps, or other exhibits. Once presented for consideration by the board, exhibits are evidence in the hearing and become part of the record (and must be retained by the board). Each exhibit should be clearly labeled and numbered as it is received into evidence.

The application for the permit and any correspondence submitted as part of the application file should also be entered into the hearing record and may be considered by the board. Most application forms are designed to solicit sufficient information for a decision. It is a good practice to have a person familiar with the information in the application (usually the applicant or an agent of the applicant) available to answer any questions the board may have about the written submissions.

Quality of evidence. There must be "substantial, competent, and material evidence" to support each critical factual determination. Key points need to be substantiated by the factual evidence in the hearing record; the findings cannot be based on conjecture or assumptions. For example, for the board to find that neighboring property values would be significantly reduced by a proposed project, there must be some testimony in the record to support that finding, such as testimony from an appraiser about the impacts of a similar project elsewhere in town or presentation of facts that would allow a reasonable person to conclude property values would go down. Where conflicting evidence is presented, the board has the responsibility of deciding how much weight to accord each piece of evidence.

Record. Complete records must be kept of the hearings. Detailed minutes must be kept noting the identity of witnesses and giving a complete summary of their testimony. Any exhibits presented should be retained by the board and become a part of the file on that case. An audio or video tape of the hearing should be made, though that is not mandated by statute. Any party may request the tape be included in the record of the hearing. Any party may include a transcript of the hearing in the record if the case is appealed to the courts, with the cost of the transcript being borne by the party requesting it.

## Summarizing Evidence and Findings

Findings. The board's decision must be reduced to writing. The written decision must determine any contested facts and apply the facts to the applicable standards. Simply repeating the standards for the ordinance and noting each is met is generally not sufficient. It is useful for the staff and board to have a clear and common set of terminology relative to "standards," "findings," "findings of fact," "decisions," and "orders." An example of the findings for a simple variance decision is attached at the end of these materials.

The written decision must be signed by the board chair and filed with the clerk to the board. It is effective upon filing. The decision must be mailed to the applicant, the property owner, and anyone else who requested a copy in writing prior to the effective date of the decision. It can be delivered by email, first class mail, or personal delivery.

## Voting on a Decision

Quorum and voting. The general rule is that a majority of the board is a quorum. Most decisions of the board of adjustment require a simple majority of the board, but a variance requires a four-fifths majority (a few local government charters vary this requirement). Members who are recused due to a conflict of interest and seats that are vacant are not considered when computing the required majority.

Precedents. Prior decisions are not legally binding on a board. Each case must be decided on its own individual merits. Subtle differences in individual facts and situations can lead to differing results. However, a board should be aware of previous decisions and, as a general rule, similar cases should usually produce similar results. If a board reaches a different result for a very similar fact situation, the board's written decision must clearly explain why there was a different conclusion.

Rehearings. As a general rule, a board may not hear a quasi-judicial case a second time. The applicant and other affected parties must present their evidence at the initial hearing. Appeals of the initial decision may be made to the courts, not back to the board. If there is a substantially different application, or there has been a significant change of conditions on the site or in the ordinance, a new hearing may be held. Some boards allow a case to be withdrawn without a formal decision anytime up to a vote; others do not allow withdrawal after the hearing begins and some limit withdrawal after publication of notice of the hearing.

Conflicts of interest. The Constitution and the statutes give parties to a quasi-judicial decision a legal right to an impartial decision maker. Thus boards must avoid conflicts of interest. In addition to financial impact, bias (defined as a predetermined opinion that is not susceptible to change), undisclosed ex parte communications about the case, and close family or business ties also disqualify members from participating. Nonparticipation includes the discussion as well as voting.

Participation in continued hearing. If a hearing is continued or conducted over several days, a member may miss part of the hearing, but be present when a vote is called. The courts allow a member who was not physically present for the presentation of all evidence to vote, but only if the member had full access to the record of evidence presented in the member's absence (such as an opportunity to read the

minutes, see the exhibits, or listen to a tape). This is also allowed for a new member appointed after some of the evidence was presented. Some jurisdictions have local legislation or rules of procedure that disqualify a member who did not actually hear all of the evidence from voting on that case.

# Standards for Particular Types of Quasi-judicial Decisions

## Variations

**Purpose.** A zoning variance gives an owner permission to do something that is contrary to the requirements of the zoning ordinance. Variations are a safety valve in zoning that allows adjustment of the rules to fit individual unanticipated situations. The standards for obtaining a variance are very strict, as this is one of the most powerful tools available to boards of adjustment and can be subject to substantial abuse if not carefully administered. Variations must not be used as a substitute for amendments to the zoning ordinance. Members of boards of adjustment must be careful not to substitute their judgment for what the zoning ordinance should be for that of the elected officials who are responsible for adoption of the ordinance.

**Standards.** A variance may be granted only if all three of these general standards are met. Meeting one of the standards, but not the others, is insufficient.

1. The applicant must show that strict application of the rules would create unnecessary hardships. State law provides several tests regarding unnecessary hardships:

- It is not necessary to show that no reasonable use can be made of the property without a variance, but the hardship must be real and substantial. Mere inconvenience or additional expense is not adequate.
- The hardship must be peculiar to the property, such as the property's location, size, or topography. Conditions common to the neighborhood or the public are not sufficient.
- The hardship must not have been self-created. Purchase of the property knowing it may be eligible for a variance is not a self-created hardship.

2. The applicant must show that the variance would be consistent with intent and purpose of ordinance. This means:

No "use variations" can be allowed

Nonconformities may not extend beyond what the ordinance allows

3. The applicant must show that the variance would be consistent with the overall public welfare and that substantial justice will be done. The variance must not create nuisance or violation of other laws.

Conditions may be applied to variances and the conditions may be enforced, but only conditions related to variance standards may be imposed.

Variances must be allowed in a zoning ordinance. Other development regulations may provide for variances, but that is not required. If they are allowed, the variance standards are the same as set out above for zoning.

## Special and Conditional Use Permits

Standards. The decision-making standards must be included in the text of the ordinance. They cannot be developed on a case-by-case basis. The decision to grant or deny the permit, or to impose conditions on an approval, must be based on the standards that are actually in the ordinance and that are clearly indicated as the standards to be applied to this decision.

The standards must provide sufficient guidance for decision. The applicant and neighbors, the board making the decision, and a court reviewing the decision all need to know what the ordinance requires for approval. The courts have held there is inadequate guidance if the ordinance only provides an extremely general standard, such as that the project be in the public interest or that it be consistent with the purposes of the ordinance. The courts have approved use of four relatively general standards that are now incorporated into many North Carolina zoning ordinances. These are that the project:

1. Not materially endanger the public health and safety,
2. Meet all required conditions and specifications,
3. Not substantially injure the value of adjoining property (or be a public necessity), and
4. Be in harmony with the surrounding area and in general conformance with the comprehensive plan.

Specific standards may also be included. Typical specific standards include minimum lot sizes, buffering or landscaping requirements, special setbacks, and the like. Many ordinances use a combination of general and specific standards.

**Burden.** The burden of proof in these cases is allocated as follows: The applicant must present evidence that standards in ordinance are met. It is not the staff's responsibility to produce this basic information. Often application forms are required that will elicit most of this information. If the applicant presents sufficient evidence that the standards are met, the applicant is legally entitled to a permit. If contradictory evidence is presented, the board must make findings and then apply the standards.

**Conditions.** Individual conditions may be applied. These conditions are fully enforceable. A board may only impose conditions related to the standards that are already in the ordinance.

## Appeals and Interpretations

**Determination required.** A board of adjustment is not allowed to issue advisory opinions. The board may only hear actual cases where a staff decision has been issued and is being appealed. The staff must have made a final, binding determination to trigger appeal rights. The staff determination must be in writing and provided to the person who is subject to the decision and to the property owner if that is a different person. The notice of the determination may be provided by email, first class mail, or personal delivery. The staff person who made the determination must appear at the hearing as a witness.

**Standing.** Only persons with standing to make a judicial appeal can appeal a staff determination. An appeal is filed with the city clerk and must state the grounds for appeal.

**Time.** Appeals must be filed within 30 days from receipt of the notice of the determination. The board cannot waive this deadline. A person with standing who did not receive the written determination has 30 days from receipt of actual or constructive notice to file an appeal to the board. A landowner receiving a determination has the option of posting the site with a notice that a determination has been made. If the owner's posting remains in place for ten days, that provides constructive notice to neighbors and the public that a determination has been made, thereby starting the 30 day period to appeal to the board as of the date of initial posting of the sign. The board must hear and resolve appeals within a reasonable time.

**Deference.** The board of adjustment makes its own independent assessment of what the terms of the ordinance mean. The board should give due consideration to the professional judgment of the zoning administrator, taking into account his or her training and experience. But the question of what the ordinance means is a question of law for which the board must make its own decision. In making this

determination the key goal should be giving full effect to the terms of the ordinance and the intent of the governing board that adopted it, not substituting the opinion of the board of adjustment as to what the ordinance should say.

Alternate dispute resolution. The parties may agree to mediation or other forms of alternate dispute resolution and the ordinance may include procedures to facilitate and manage such voluntary action.

## Imposition of Conditions

### Quasi-judicial Decisions

Conditions can be (and usually are) imposed on quasi-judicial approvals such as special and conditional use permits and variances.

However, the conditions are limited to those needed to bring the project into compliance with the standards specified in the ordinance for that decision. For example, a design change may be needed to make the project “harmonious” with the surrounding neighborhood or a buffer may be needed to prevent harm to neighboring property values (assuming those are standards applicable to that decision).

### Exactions

Exactions are requirements imposed as a part of a development approval that a land owner/developer provides a public improvement at its own expense.

Typical forms of exactions include:

- Dedication of land for streets and utility easements
- Construction of specified public improvements, such as roads, sidewalks, water and sewer lines
- Dedication of land for open space
- Dedication of land and construction of facilities for parks
- Setting aside land for future government purchase for school sites

There are two key legal issues with any exaction. First, is the amount of the exaction constitutional? Second, is there statutory authority to impose it?

On the constitutional issue, there must be a rational relation or nexus to needs generated by project. The amount or size of the exaction must also be no more than that which is roughly proportional to the public facility needs generated by the development being approved. The determination of whether an exaction is proper must be made on an individualized basis. The burden of proving an exaction is constitutional is on the government.

On the statutory authority front, the subdivision statutes have detailed provisions on what land dedications, public improvements, and fees in lieu can be imposed. The zoning statute also addresses street, utility, and recreational exactions.

## References

Additional information is available on the NC Planning web page maintained by the School of Government. Log on at: <http://www.sog.unc.edu/organizations/planning/>

The page includes links to various resources, such as frequently asked questions, legislative summaries, and digests of recent court cases. The "Publications" link at that page sets out a number of resources. A few are noted below.

### Sample Online Reports

A Survey of Experiences with Zoning Variances (Special Series No. 18, Feb. 2004)

Special Use Permits in North Carolina Zoning (Special Series No. 22, April 2007)

Books available include:

Introduction to Zoning and Development Regulation (4th. ed. 2013)

Land Use Law in North Carolina (2d ed. 2011)

## Blog

The School of Government also has a blog on local government law issues, Coates' Canons, that regularly addresses planning and land use law issues. The blog is online at:

<http://sogweb.sog.unc.edu/blogs/localgovt> . See particularly posts by Richard Ducker, Adam Lovelady, and David Owens.

### Accessibility

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