

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-165
HOUSE BILL 879

AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY
BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE
RATHER THAN FOUR-FIFTHS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-345(e) reads as rewritten:

"(e) The board of adjustment, by a vote of ~~four-fifths~~ three-fifths of its members, may reverse any order, requirement, decision, or determination of an administrative officer charged with enforcing an ordinance adopted pursuant to this Part, or may decide in favor of the applicant a matter upon which the board is required to pass under the ordinance, or may grant a variance from the provisions of the ordinance. Each decision of the board is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

Section 2. This act applies to Durham County only.

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of June,
1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives