

MEETING CANCELED



PLANNING *and* INSPECTIONS

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AGENDA **ORANGE COUNTY BOARD OF ADJUSTMENT (BOA)**

WHITTED BUILDING
300 WEST TRYON STREET
HILLSBOROUGH, NC 27278

Wednesday, October 8, 2025
7:00 p.m.

- 1. CALL TO ORDER**
- 2. CONSIDERATION OF ADDITIONS TO AGENDA**
- 3. APPROVAL OF MINUTES**
August 13, 2025 Meeting Minutes
- 4. PUBLIC CHARGE**

The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

The Board of Adjustment is a quasi-judicial administrative body established in accordance with the provisions of local regulations and State law to perform specified functions essential to the County's planning program. Action(s) taken by the board are based solely on competent, substantial, and material evidence presented during a previously scheduled and advertised public hearing on a specific item. As detailed within Section 2.12.2 of the UDO the Board chair reserves the right to exclude evidence and testimony that is deemed: 'incompetent, irrelevant, immaterial, or unduly repetitious' and therefore fails to reasonably address the issues before the Board of Adjustment. While it should be noted there is no time limit on the presentation of evidence, the Chair asks that the presentation of evidence be consistent with established policies, rules of procedure, and acceptable levels of decorum to ensure a fair and equitable hearing for all parties.

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5. POTENTIAL BOA CONFLICT OF INTEREST STATEMENT

It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. Board members having any conflicts of interest or appearances of conflict with respect to matters before the Board should identify the conflict or appearance of conflict and refrain from undue participation in the matter involved.

As a reminder, NC General Statute § 160D-109 establishes the following standard: A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

6. CASES

A-5-25 - To review and hold a quasi-judicial hearing for a Appeal of Interpretation request (Case Number BA25-0001).

Request has been submitted by The Brough Law Firm, PLLC on behalf of Greg Bohlen as member manager of Bandit Farms, II, LLC; Bandit Farms, III, LLC; and HarperGrace, LLC. The application requests an appeal of the Orange County Planning Director's Final and Binding Determination issued June 4, 2025 regarding farm uses on properties collectively known as Union Grove Farm. The appellant requests Board review of whether the "farm stage" was appropriately determined to be considered a "principal use" on the property and therefore not classified as "agritourism" for lack of being incidental to the bona fide farm uses on-site.

Application for case A-5-25 has been withdrawn as of September 30, 2025.

There will be no October 8, 2025 meeting of the Board of Adjustment.