

City of Wilmington
Board of Adjustment

Item #1



Board of Adjustment
March 19, 2026

REQUEST FOR A WAIVER
BADV-22-326

Brian Chambers, AICP, 910.254.0900, zoning@wilmingtonnc.gov

Request

<i>Code Section(s)</i>	Land Development Code: Section 18-286(E) Section 18-615 Board of adjustment
Subject Property	4230 Masonboro Sound Road (vacant lot to the east)
<i>Parcel ID</i>	R07200-007-001-000
<i>Request</i>	Waiver to conservation resource standards to allow sheet pile sill and riprap structure for shore stabilization
<i>Owner/Applicant</i>	Jeffrey Workman 4230 Masonboro Loop Road Wilmington, NC 28409

GENERAL INFORMATION

On February 3, 2026, planning staff accepted an application for a waiver to the City of Wilmington conservation resource standards for water-dependent structures to allow the installation of a steel pile sill and riprap as a shoreline stabilization mechanism, pursuant to City Code Chapter 18, Land Development Code, Section 18-286 (E).

BOARD OF ADJUSTMENT HISTORY

The subject property has no history before the Board of Adjustment.

Analysis & Research

1. The subject property is part of an area annexed into the Wilmington City limits effective September 30, 2000, and is zoned R-15, Moderate-density single-dwelling residential district.
2. The subject property contains approximately 1.68 acres (73,125 square feet) and contains a single-dwelling home.
3. The upland portion of the property is located in an AE flood zone with a regulated base flood elevation of 12 feet per FEMA flood map 3720314500K effective August 28, 2018.
4. The property contains and is adjacent to coastal wetlands and has frontage along a tidal creek (Whiskey Creek).
5. The applicant has partially constructed a steel pile sill with riprap as a method for shoreline stabilization to prevent additional erosion on the site.
6. A CAMA General Permit (PA-2470) was issued for the installation of a 56 foot sheet pile sill along shoreline with riprap, but the applicant did not receive approval from the City of Wilmington for construction
7. A stop work order (SWO) was issued by City of Wilmington compliance staff on November 6, 2025.

BADV-22-326

8. The Division of Coastal Management has agreed to pause the approved permit while the applicant seeks approval from the City of Wilmington for the installation of the erosion control measure.
9. Land Development Code Section 18-286 (E) Standards for water dependent structures, allows shoreline stabilization devices subject to approval by the Board of Adjustment, provided the following criteria have been met:
 - a. The property has an identifiable erosion problem or has unusual features, such as a steep bank;
 - b. The NC Division of Coastal Management has documented the need for shoreline stabilization within the protective buffer;
 - c. The shoreline stabilization measure extends beyond the buffer no more than necessary to resolve the hardship resulting from unusual features, align with adjacent shoreline stabilization measures, and allow backfill of the area eroded in the year before the date of the permit application; and
 - d. The shoreline stabilization proposed will not significantly impair public trust rights or damage adjacent waterfront properties.
10. Robb Mairs, section chief for the NC Division of Coastal Management, provided an email statement on January 2, 2026, acknowledging the existing erosion, the approved permit, and the appropriate construction method for the improvement.
11. This matter is set for hearing before the Board of Adjustment on March 19, 2026.

NEIGHBORHOOD CONTACT

City Notifications:

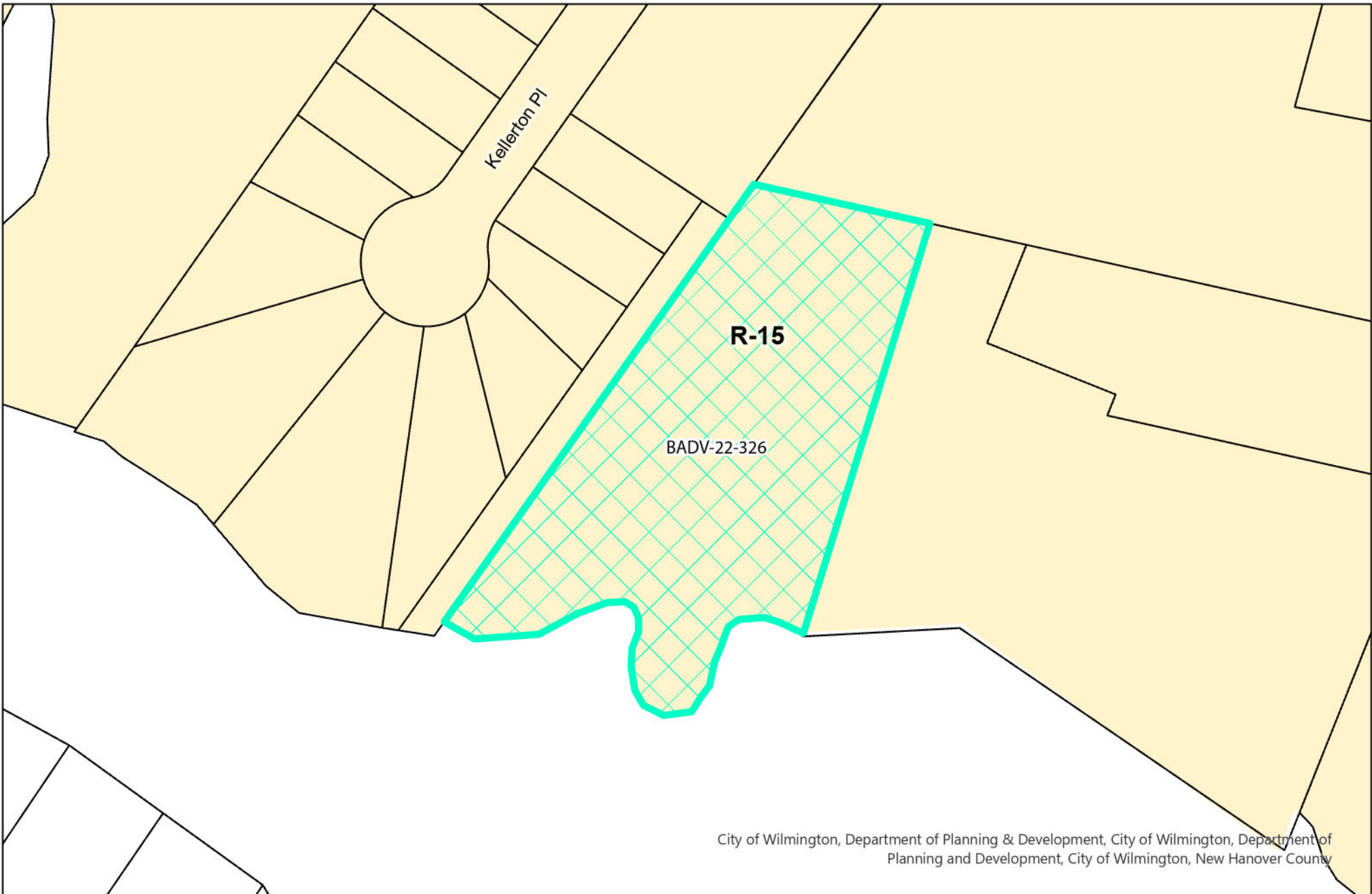
Adjacent Letters
 Property Posted
 Advertisement Dates

Board of Adjustment



3/6/26
 3/6/26
 3/13/26


ATTACHMENTS

- 1.) Current zoning map (dated 2/4/26)
- 2.) Aerial map (dated 2/4/26)
- 3.) Application (received 2/3/26)
 - a. Completed Application
 - b. Site plan
 - c. E-mails from NC Division of Coastal Management
 - d. Copy of CAMA General Permit
 - e. Photos
- 4.) Photos
- 5.) City Code Chapter 18, Land Development Code references:
 - a. Section 18-286(E) Standards for water dependent structures
 - b. Section 18-615 Board of adjustment



City of Wilmington, Department of Planning & Development, City of Wilmington, Department of Planning and Development, City of Wilmington, New Hanover County

 Site
 Zoning

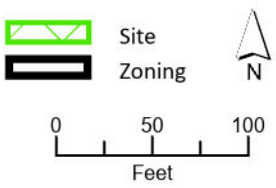
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Feet

Board of Adjustment
BADV-22-326 — Aerial Map

2/4/2026





Board of Adjustment

BADV-22-326 — Aerial Map

2/4/2026



**CITY OF WILMINGTON
STATE OF NORTH CAROLINA**

APPLICATION FOR A VARIANCE – BULKHEAD

PURPOSE OF VARIANCE – A Variance is the official allowance of a variation from the City Land Development Code or other development regulations. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature but must generally involve some physical problem with the subject property which will not allow it to be developed or used in a reasonable manner if City development regulations are followed literally.

BOARD OF ADJUSTMENT - The Board of Adjustment, or BOA, is the official City Board that considers requests for variances. The BOA receives sworn testimony at its quasi-judicial hearings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a Variance to attend the BOA meeting and present sworn testimony in support of the request.

REASON FOR VARIANCE REQUEST – Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the City development regulations. (Attach additional sheets if needed.)

See attached letter.

Pursuant to City Code Chapter 18, Land Development Code Section 18-286(E), Standards for water dependent structures, the BOARD OF ADJUSTMENT is authorized to grant a variance to allow a bulkhead within the conservation resource setback or buffer provided the following findings are met. Write a thorough response to each of these items.

1. The property has an identifiable erosion problem or has unusual features, such as a steep bank;
2. The North Carolina Division of Coastal Management has documented the need for shoreline stabilization within the protective buffer;
3. The shoreline stabilization measure extends beyond the buffer no more than necessary to
 - a) resolve the hardship resulting from unusual features
 - b) align with adjacent shoreline stabilization measures, and
 - c) allow backfill of the area eroded in the year before the date of the permit application; and

Application No. _____

4. The shoreline stabilization measure will not significantly impair the public trust rights or damage adjacent waterfront properties.

ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST

PROPERTY LOCATION INFORMATION

Street address of subject property 4230 Masonboro loop Road

Tax Parcel Number of subject property R07200-007-001-000

ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES
(Include stamped, self-addressed envelopes)

APPLICANT INFORMATION
Name/Address/Telephone/Email

Name: _____

Address: _____

Phone #: _____

Email: _____

OWNER INFORMATION
Name/Address/Telephone/Email

Jeffery Workman

4230 Masonboro loop Rd.

REDACTED

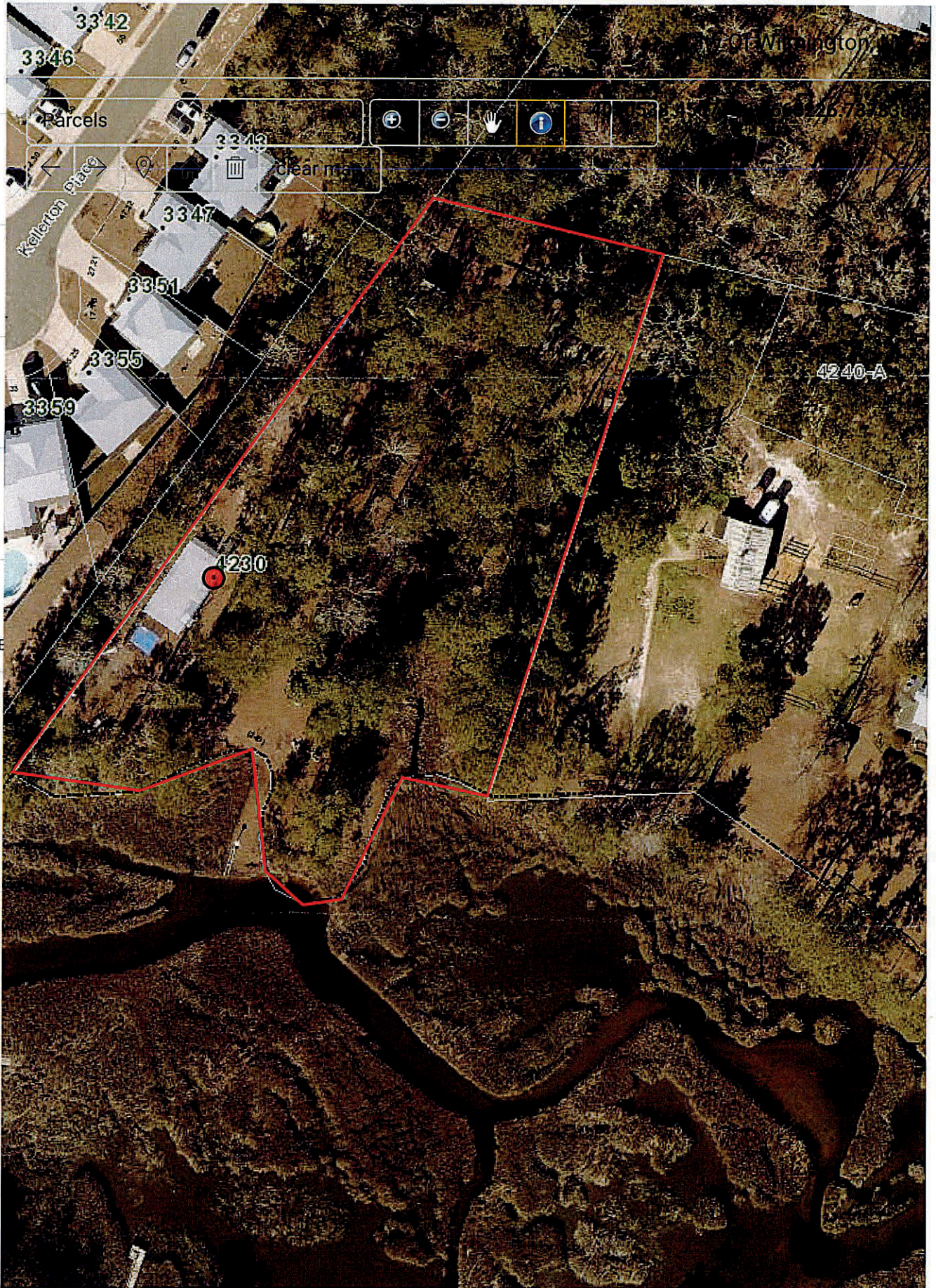
ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

DATE 11/25/25

APPLICANT'S SIGNATURE

Jeff Workman

-  BASE MAPS
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-  MAP LAYERS
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-  MAP TOOLS
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-  SEARCH
()
-  PRINT
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-  HELP
T/ROKMAPS_HE



ROKMAPS™
([https://www](https://www.it-gisweb1/cityview/?mapName=Planning)

Show 1 Results
30m / 100ft





Find address or place



Greetings,

My name is Jeffery Workman , I am a steward of property in Wilmington NC at the address of 4230 masonboro loop road. I am applying for a variance for construction of a bulkhead and rip-rap installation to protect the whiskey creek resource from further damage due to the massive development of willowick home park and its uncontrollable rain/ storm water runoff into the whiskey creek formally known as purvance creek.

In 2013 I contacted the Dept. Of Environmental Quality and requested an onsite meeting with CAMA representative Robb Mairs to discuss erosion control on high ground land containing mature trees valuable for screening of the adjacent road. Options were discussed for possible remedies but no action was taken due to financial reasons. At this time I was advised to and did start erosion documentation.

Extreme erosion started in 2016 with the deforestation of 140 acres next to my property directly on whiskey creek and its estuaries and branches for the construction of the Willowick home park. Massive amounts of normal rain and storm waters from that development do not enter the city storm water system. Instead of flowing into city drainage the runoff flows directly into Whiskey Creek and increases its destructive outgoing tide. This design failure of this development has led to the destruction of key areas of the whiskey creek resource, the development has created several sand bars and advanced erosion on many areas of the whiskey branch resource. This issue is well documented and is being prepared for further discussion.

In July 2025 no longer able to endure the further destruction of the whiskey creek resource i reached out to the dept. of environmental quality CAMA division and requested another site meeting with Rob Mairs and Hannah Mitchial. This meeting was to discuss possible repairs that could control the damage done by the construction of the massive home park (Willowick housing) that dumps its rain water and storm runoff into whiskey creek upstream from 4230 masonboro loop road. After our meeting i started the process of applying for a CAMA permit according to CAMA

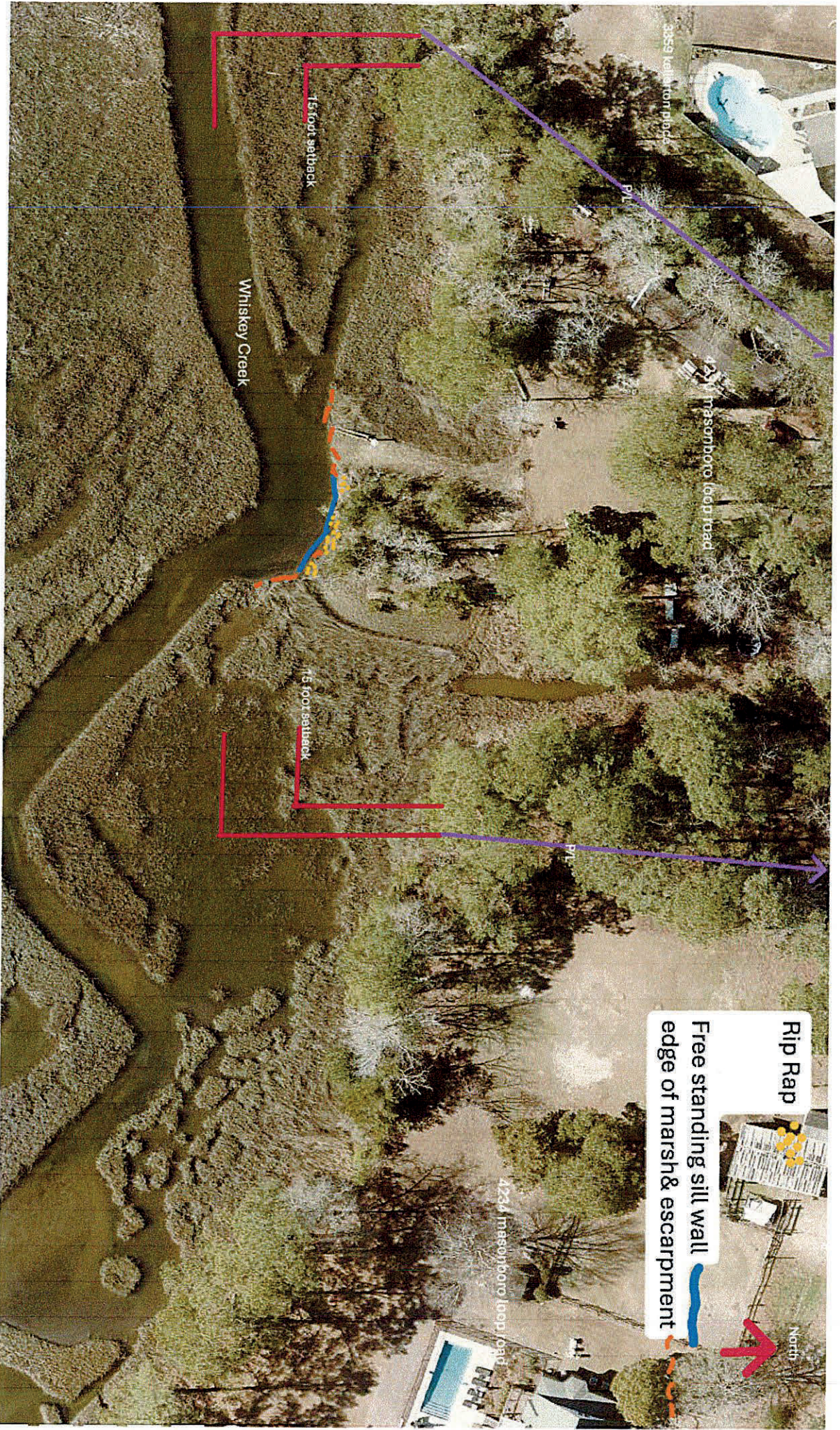
recommendation for the construction of a bulkhead and rip rap. This permit was approved by CAMA and the wall location was staked out by Rob Mairs and Hannah Mitchell.

The property at 4230 masonboro loop road has identifiable high ground with mature trees and a steep bank. The North Carolina Division of Coastal Management has documented the need for shoreline stabilization within the protective buffer. Although the stabilization measure would not reclaim the taxable land that has been lost due to the construction of willowick housing development it does not extend beyond the buffer no more than necessary to resolve the hardship resulting from the high impact home development on the delicate environmental resource that is whiskey creek. With the help of CAMA the location of the wall was established so that it would not impair the public trust rights or damage adjacent waterfront properties.

The submitted application was approved by CAMA and a permit has been issued for the proposed work in the waters of the United States. I look forward to the Board meeting to discuss this situation further.

Sincerely,

Jeffery Workman



Rip Rap

Free standing sill wall

edge of marsh & escarpment

North

Whiskey Creek

3859 Kellen Court

4234 Masonboro Loop Road

4234 Masonboro Loop Road

15 foot setback

15 foot setback

P1

P1



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.



From: Mairs, Robb L
 Sent: Wednesday, July 23, 2025 3:52 PM
 To: REDACTED
 Cc: Mitchell, Hannah C <hannah.mitchell@deq.nc.gov>
 Subject: 4230 Masonboro Loop Road

Jeff,

This follows our site visit yesterday at your property. The rules we discussed were 07H .2400 General Permit for Placement of Riprap Revetments for Wetland Protection in Estuarine Waters.

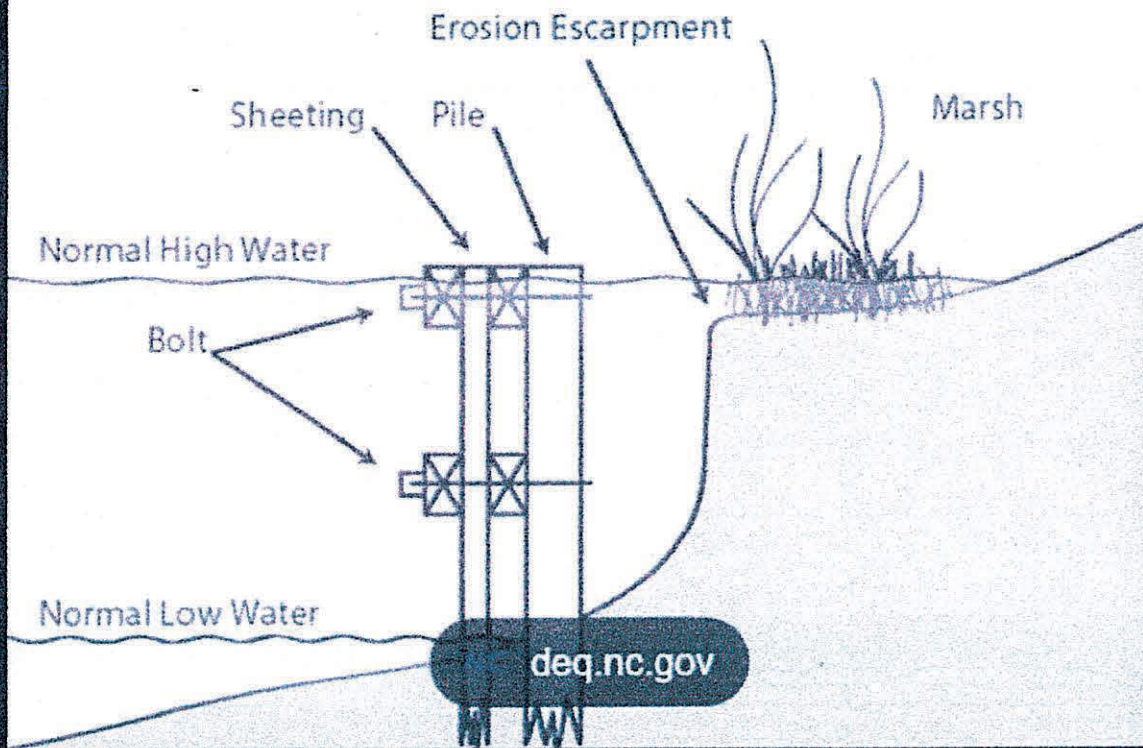
<https://www.deq.nc.gov/coastal-management/15a-ncac-07h-2400-1/download?attachment>

and 07H .2100 General Permit for Construction of Sheetpile Sill for Shoreline Protection in Estuarine Waters. <https://www.deq.nc.gov/coastal-management/15a-ncac-07h-2100-1/download?attachment>

Here are the forms for the permit process once you decide your proposal to stabilize your shoreline: <https://www.deq.nc.gov/documents/pdf/2021-adjacent-riparian-owner-notice-waiver-form-tips-wiro/download>

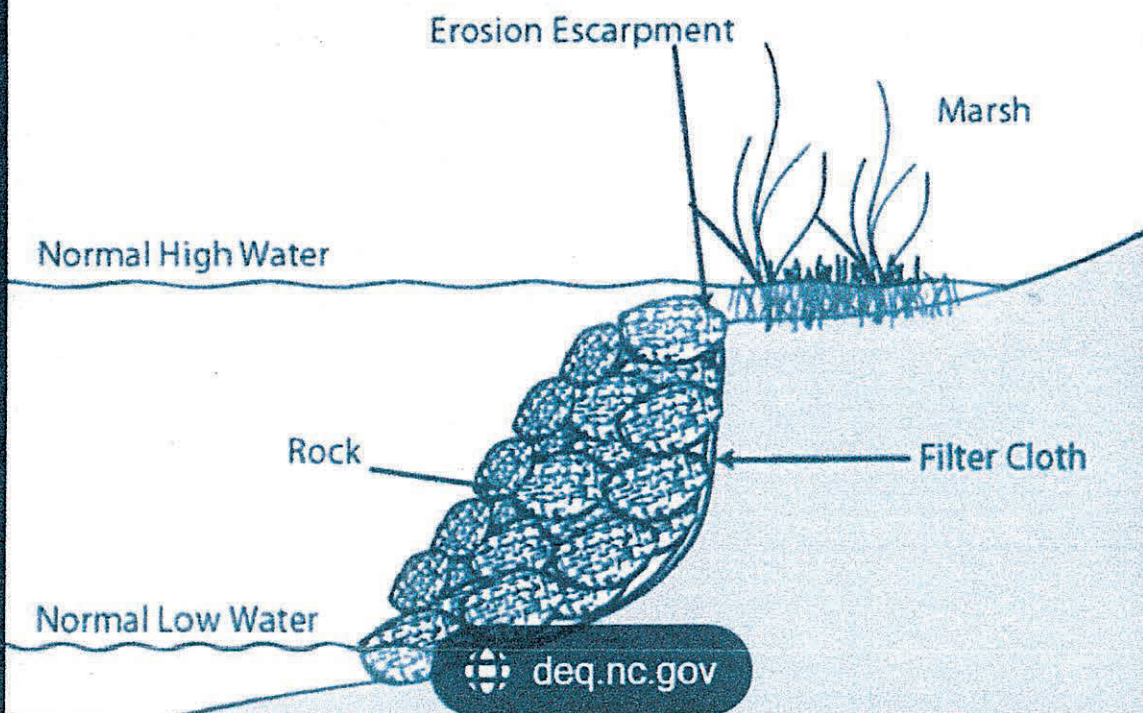
If you decide to use a contractor for assistance, you can authorize them to act as your agent to obtain the permit as well with this form: <https://www.deq.nc.gov/documents/pdf/agent-authorization/download>

Below are examples of these types of these structures.



Wetland Riprap Revetment

VIEW FROM SIDE





CAMA + Dredge & Fill GENERAL PERMIT

New

PA-2470

Previous Permit:
Date Previous Permit Issued:

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to:
15A NCAC: DCM-GP-2100, DCM-GP-2400 General Permit Rules available at the following link: www.deq.nc.gov/CAMARules

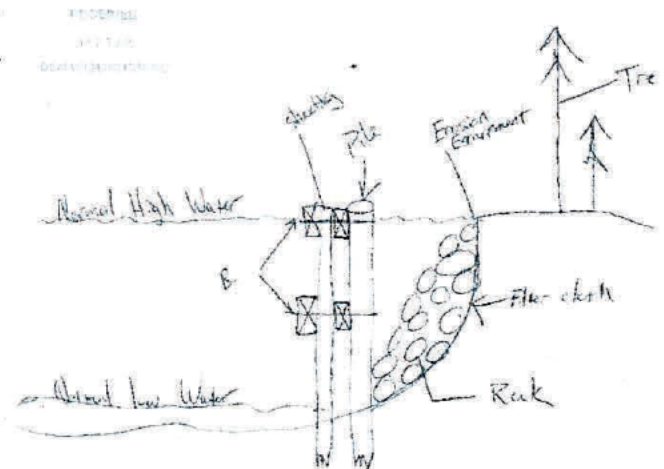
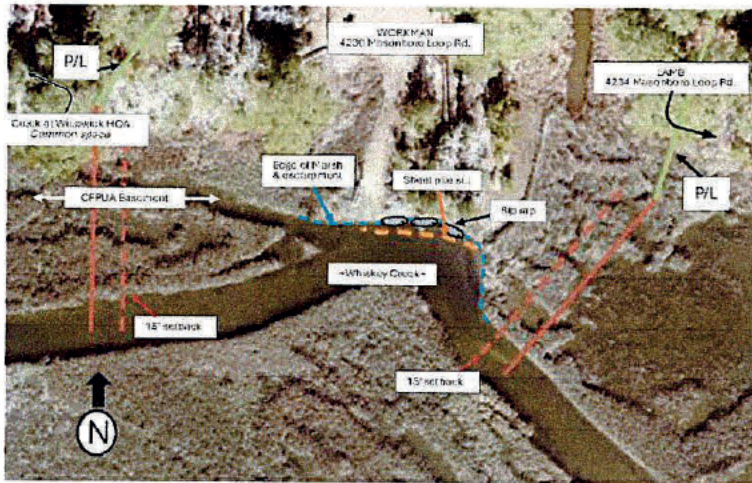
Applicant Name: Jeff Workman
Address: 4230 Masonboro loop road
City: Wilmington State: NC Zip: 28409
Phone #: REDACTED
Email: _____

Authorized Agent: N/A
Project Location (County): New Hanover
Street Address/State Road/Lot #(s):
SAME
Subdivision:
City: Wilmington Zip: 28409

Affected AEC(s): Estuarine Shoreline, Public Trust Areas, Estuarine Waters
Adj. Wtr. Body: Whiskey Creek (Natural)
ORW: NO

Closest Maj. Wtr. Body: Masonboro Sound
PNA: Y 4230 Masonboro loop Road Cross Section

Type of Project/
Activity: Install 56' of sheet pile sill along shoreline with rip rap along the escarpment



Shoreline Length: 376'
Pier (Dock) Length: N/A
Floating Platform(s): N/A
Total Shaded Area: N/A
Bulkhead/Riprap Length: 45'
Breakwater/Sill: 56'
Basin, Channel: N/A
Boat Ramp: N/A
Avg Distance Offshore: 5' from NHW/Escarpment
Max Distance/Length: 5 / 45 (Rip Rap/Revetment)
Other: Width of water body ranges from 45' to 36'
SAV Observed: No
Site Photos: Yes
A building permit/zoning permit may be required by: City of Wilmington &/or New Hanover County

Access Length: N/A
Fixed Platform(s): N/A
Finger Pier(s): N/A
Groin Length/#: N/A
Boathouse/Boatlift: N/A
Beach Bulldozing: N/A
Cubic Yards: N/A

Moratorium: No
Riparian Waiver Attached: No

I AM AWARE OF STATUTES, CRC RULES AND CONDITIONS THAT APPLY TO THIS PROJECT AND REVIEWED COMPLIANCE STATEMENT.

(Please Initial) _____

Robb Mairs

Agent or Applicant PRINTED Name

Permit Officers PRINTED Name

Robb Mairs

Signature ** Please read compliance statement on back of permit**

Signature

Statement of Compliance and Consistency

This permit is subject to compliance with this application and permit conditions. Any violation of these terms may subject the permittee to a fine or criminal or civil action; and may cause the permit to become null and void.

This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance. The applicant certifies by signing this permit that: 1) prior to undertaking any activities authorized by this permit, the applicant will confer with appropriate local authorities to confirm that this project is consistent with the local land use plan and all local ordinances, and 2) a written statement from the adjacent riparian property owner(s) has been obtained, or proof of delivery of certified mail notification of the adjacent riparian property owner(s).

The State of North Carolina and the Division of Coastal Management, in issuing this permit under the best available information and belief, certify that this project is consistent with the North Carolina Coastal Management Program.

River Basin Rules Applicable To Your Project:

Tar - Pamlico River Basin Buffer Rules

Neuse River Basin Buffer Rules

As indicated on front of permit, your project is subject to the Environmental Management Commission's Buffer Rules for the River Basin checked above due to its location within that River Basin. These buffer rules are enforced by the NC Division of Water Resources. If you have any questions, please contact the Division of Water Resources at the Washington Regional Office (252-946-6481) or the Wilmington Regional Office (910-796-7215).

OTE: A CAMA/Dredge and Fill Permit is a determination that the proposed development meets the CAMA/Dredge and Fill laws and CRC's rules for coastal development. It is not a determination of private property ownership or an authorization to trespass onto property owned by someone other than the permittee.

OTE: This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. Any development authorized under this permit that occurs prior to the expiration of the twenty (20) day appeal period or completion of an appeal process, shall be done at the permittee's risk.

Permit Conditions: All Riprap must be placed behind sheet piles. DCM Staff must mark NHW and stake placement of sheet pile sill prior to work beginning. The sheet pile sill shall allow for a 1" opening for every foot of sill used and the height shall not exceed 6" above NHW. The height of the riprap shall not exceed 6" above the adjacent escarpment. No excavation or fill of Coastal Wetlands or Open Water is authorized under this permit.

Additional Permit Notes: DCM Staff staked sheet pile sill location on 9/16/2025.

Please ensure all debris associated with the removal or construction of the permitted development is contained within the authorized project area and disposed of in an appropriate upland location.

Division of Coastal Management Offices

Morehead City Headquarters

400 Commerce Ave Morehead City, NC 28557
252-808-2808/ 1-888-4RCOAST Fax: 252-247-3330

(Serves: Carteret, Craven – south of the Neuse River, Onslow Counties)

Elizabeth City District

401 S. Griffin St. Ste. 300 Elizabeth City, NC 27909
252-264-3901

(Serves: Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Pasquotank and Perquimans Counties)

Wilmington District

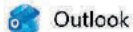
127 Cardinal Drive Ext. Wilmington, NC 28405-3845
910-796-7215 Fax: 910-395-3964

(Serves: Brunswick, New Hanover and Pender Counties)

Washington District

943 Washington Square Mall Washington, NC 27889
252-946-6481 Fax: 252-948-0478

(Serves: Beaufort, Craven – north of the Neuse River, Hyde, Pamlico, Tyrrell and Washington Counties)



FW: 4230 Masonboro Loop Road

From Mairs, Robb L <robb.mairs@deq.nc.gov>

Date Fri 1/23/2026 10:49 AM

To [REDACTED]

Cc Mitchell, Hannah C <hannah.mitchell@deq.nc.gov>; Linda.Painter <linda.painter@wilmingtonnc.gov>; MacPherson, Tara <tara.macpherson@deq.nc.gov>

3 attachments (14 MB)

IMG_2592.HEIC; IMG_2591.HEIC; PA-2470.pdf;

Hi Jeff,

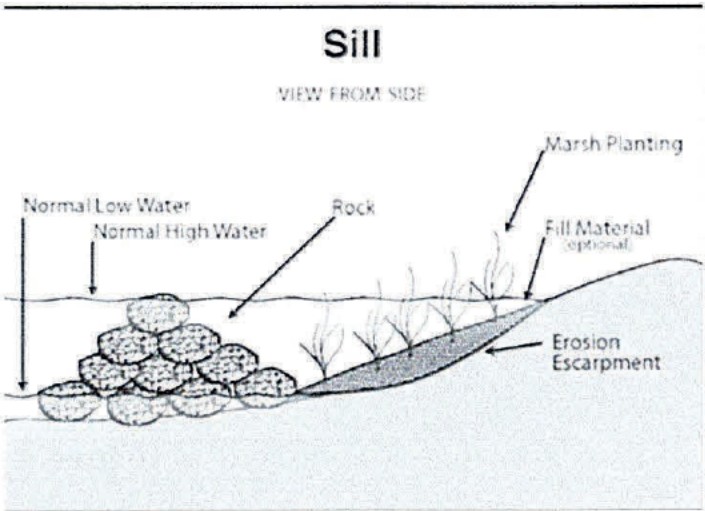
I hope you had a nice holiday season. I received your voice mail as well on my return to the office today, and per your request I am emailing you. This also follows our site visits and issuance of the CAMA General Permit (attached) for the Sheet Pile Sill and associated Wetland Rip-Rap Revetment. Based on our site visits, based on your shoreline in relation to the channel of Whiskey Creek where it bends, an offshore sill as shown below would not be a good candidate for your situation, especially with potential navigation impacts, which would be inconsistent with 15A NCAC 07H .2700. <https://www.deq.nc.gov/coastal-management/15a-ncac-07h-2700-1/download?attachment>

The CAMA General Permit that was issued to you for the Sheet Pile Sill and Wetland Rip-Rap Revetment, is essentially a hybrid living shoreline, since it provides shoreline stabilization, but also allows for the tide to flow through and periodically above it into the coastal wetlands adjacent to it per the conditions of the permit and following rules (e.g. Height of the sill shall not exceed six (6) inches above normal high water (NHW) and shall be constructed with an equal gag between each sheathing board totaling at least one (1) inch of open area every linear foot of sill). <https://www.deq.nc.gov/coastal-management/15a-ncac-07h-2100-1/download?attachment> <https://www.deq.nc.gov/coastal-management/15a-ncac-07h-2400-1/download?attachment>

As discussed before the holidays, we understand that you are working with the City of Wilmington on local authorization for these structures, so we will pause the issuance date when they put a stop work order on the construction, which I believe was 13 days after the issuance of the CAMA General Permit. We would also be happy to meet with you again on-site prior to resuming construction to ensure consistency of the permit conditions.

Thanks,

Robb



Robb Mairs
Regulatory Section Chief and Acting LPO Minor Permit Coordinator
North Carolina Division of Coastal Management
North Carolina Department of Environmental Quality
127 Cardinal Drive Extension
Wilmington, NC 28405
Office: (910) 796-7301
Cell: (910) 789-2577 (preferred)
Please note that my email address is now: Robb.Mairs@deq.nc.gov

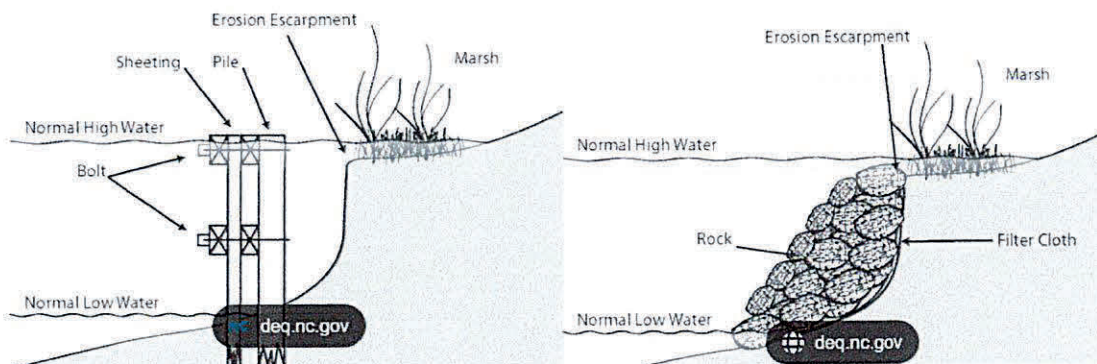
Click [HERE](#) to Find the DCM Field Rep in your CAMA region.

Sheetpile Sill 1

VIEW FROM SIDE

Wetland Riprap Revetment

VIEW FROM SIDE



Thanks,

Robb

****Please see UPDATED CAMA Rep. contact information below****

- Surf City/Topsail Beach/Pender Co (not Hampstead)- genevieve.ivec@deq.nc.gov
 - Topsail Beach/Surf City Minor Permit requests to robb.mairs@deq.nc.gov
 - Northern New Hanover (N. side of Bradley Creek) & Hampstead-phil.dangelis@deq.nc.gov
 - Southern New Hanover (S. side of Bradley Creek)- hannah.mitchell@deq.nc.gov
 - Eastern Brunswick Co. (Southport, Oak Is/ HB, Bolivia, Leland)-courtney.milliron@deq.nc.gov
 - Western Brunswick Co. (OIB/SB, Supply, Shallotte)- austin.turbitt@deq.nc.gov
 - Bald head Island- tara.macpherson@deq.nc.gov
- Main number: 910-796-7215

Robb Mairs

LPO Minor Permits Coordinator
 North Carolina Division of Coastal Management
 North Carolina Department of Environmental Quality
 127 Cardinal Drive Extension
 Wilmington, NC 28405
 Office: (910) 796-7301
 Cell: (910) 789-2577 (preferred)
Please note that my email address is now Robb.Mairs@deq.nc.gov

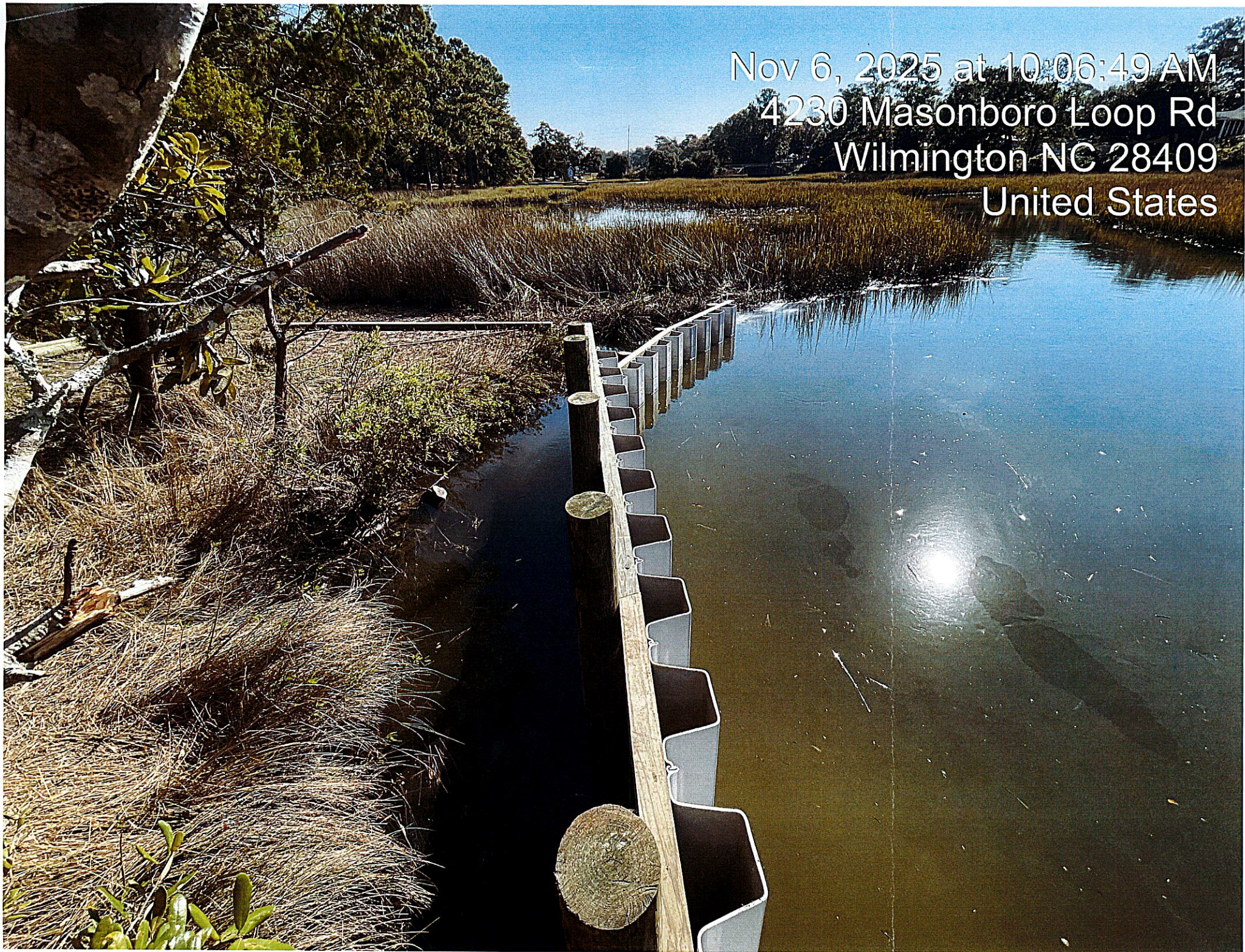
Click [HERE](#) to Find the DCM Field Rep in your CAMA region.



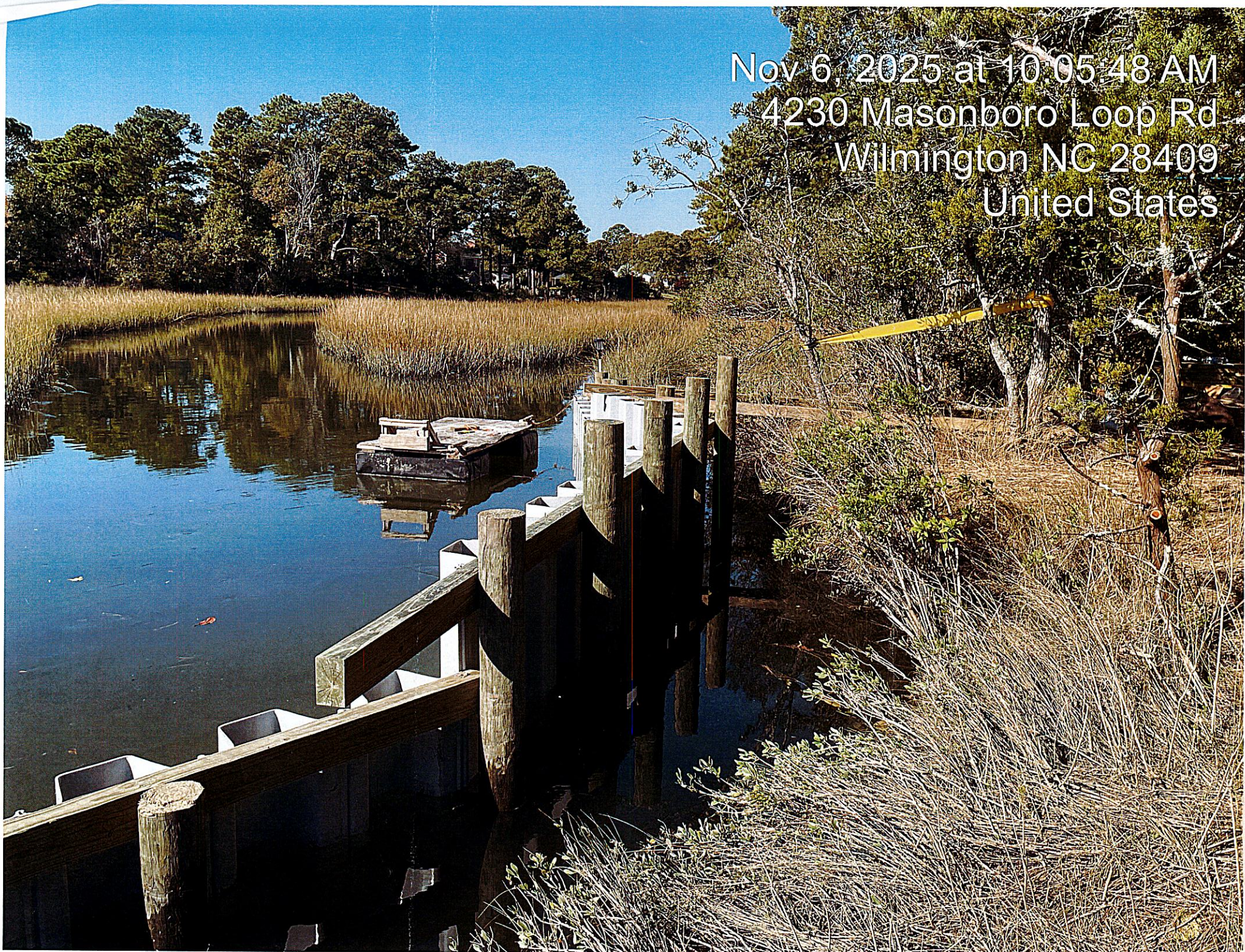
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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

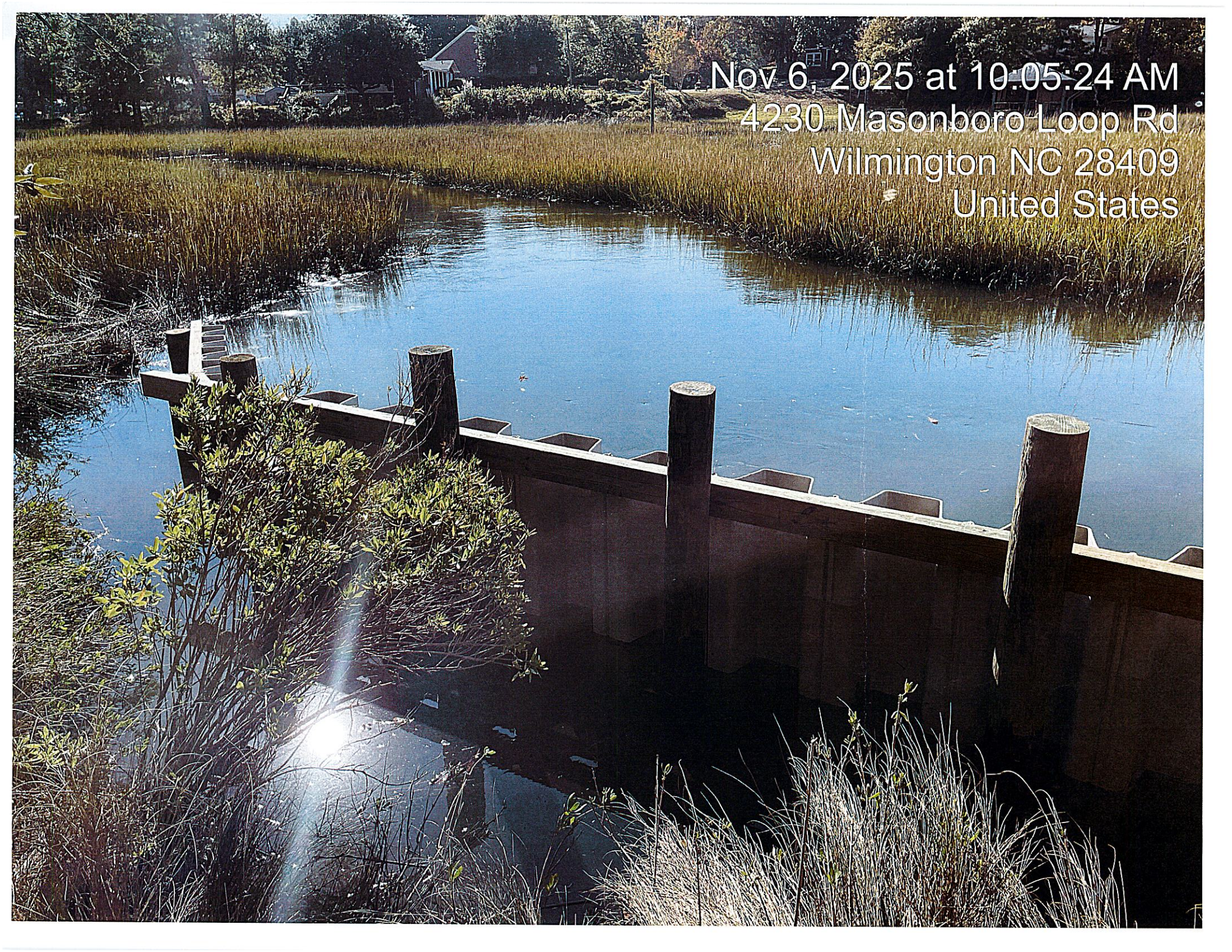
Nov 6, 2025 at 10:06:49 AM
4230 Masonboro Loop Rd
Wilmington NC 28409
United States



Nov 6, 2025 at 10:05:48 AM
4230 Masonboro Loop Rd
Wilmington NC 28409
United States



Nov 6, 2025 at 10:05:24 AM
4230 Masonboro Loop Rd
Wilmington NC 28409
United States

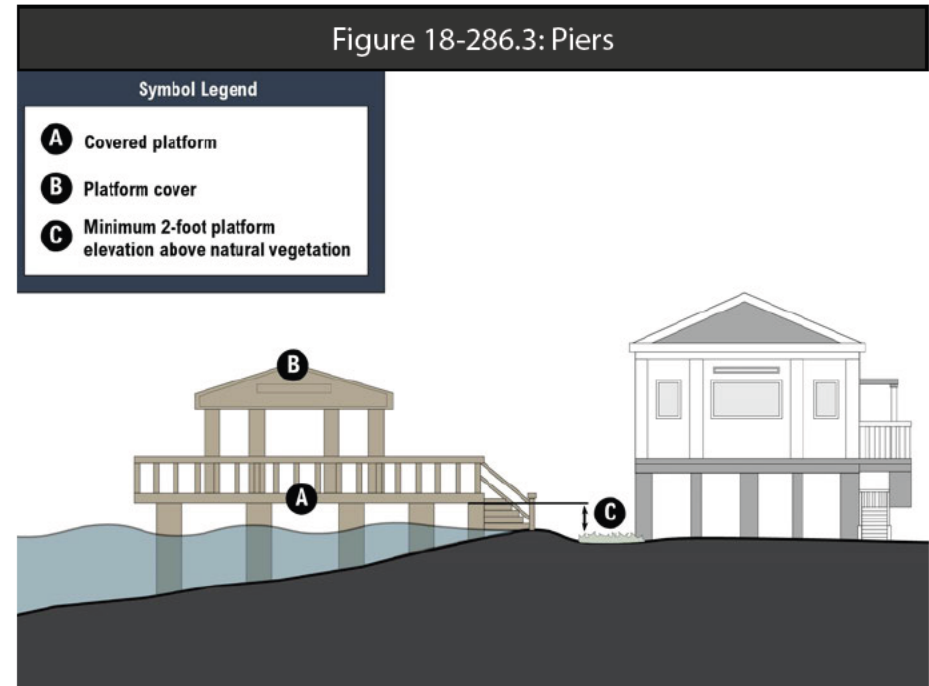


Nov 6, 2025 at 10:05:55 AM
4230 Masonboro Loop Rd
Wilmington NC 28409
United States



E. Standards for water-dependent structures:

1. The board of adjustment may authorize a waiver to allow a bulkhead, rip-rap revetment, or similar erosion control device within the required buffer or resource setback area if all of the following are met:
 - a. The property has an identifiable erosion problem or has unusual features, such as a steep bank;
 - b. The North Carolina Division of Coastal Management has documented the need for shoreline stabilization within the protective buffer;
 - c. The shoreline stabilization measure extends beyond the buffer no more than necessary to:
 - i. Resolve the hardship resulting from unusual features;
 - ii. Align with adjacent shoreline stabilization measures; and
 - iii. Allow backfill of the area eroded in the year before the date of the permit application.
 - d. The shoreline stabilization measure will not significantly impair public trust rights or damage adjacent waterfront properties.
2. Living shorelines permitted:
 - a. If site conditions allow, a the landowner shall first consider a shoreline stabilization method that uses native vegetation alone.
 - b. If native vegetation is not sufficient, natural or artificial sills may be used in conjunction with the vegetation to help reduce eroding shorelines, enhance coastal habitat, and promote resource development within the conservation



resource setbacks.

3. Piers, platforms, floating docks, and other water-dependent access structures are permitted subject to the following conditions (see figures 18-286.3: Piers and 18-286.4: Water-dependent structures).
 - a. Residential fixed piers shall be no wider than six feet.
 - b. Residential lots with less than 70 linear feet of shoreline may be allowed an uncovered platform up to 144 square feet. Such platforms shall be raised a minimum of two feet above natural vegetation.
 - c. Residential lots with 70 linear feet or more of shoreline may be allowed a covered platform up to 200 square feet. Such platforms shall be raised a minimum of two feet above natural vegetation.
 - d. The combined square footage of all pier, platform, and

ARTICLE 7. DIVISION 3.

BOARDS, COMMISSIONS, AND COMMITTEES

Section 18-615: Board of adjustment

A. Establishment

The board of adjustment is established to fulfill the duties and powers prescribed by the city of Wilmington Code of Ordinances and by NCGS 160D-302.

B. Appointment and tenure

1. The board shall consist of five members and four alternate members, who shall be citizens and residents of the city, holding no other public office under the city government, and shall be appointed by the city council.
2. All members shall be appointed for staggered terms of three years, to serve in accordance with the city council policy on boards and commissions then in effect.
3. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.
4. All appointments to fill vacancies shall be for the unexpired period of the term.

C. Compensation

Members of the board shall serve without compensation and may be removed by the city council at any time.

D. Organization

1. The board shall hold meetings in accordance with its rules of procedure for the purpose of transacting its duties assigned in this chapter and shall maintain a public record of its actions.

2. Rules of procedure shall be adopted by the board for the conduct of its business and for the election of its officers. The city council shall approve the rules of procedure and any amendments prior to implementation.
3. All meetings held by the board shall be held in accordance with the North Carolina open meetings law.
4. The board shall keep minutes of its proceedings suitable for review in court showing:
 - a. The factual evidence presented to the board by all parties concerned;
 - b. The findings of fact and the reasons for the determinations by the board; and
 - c. The vote of each member, or if absent or failing to vote indicating such fact, all of which shall be public record and be filed with the secretary to the board.

E. Duties

1. The board shall hear and decide all matters upon which it is required to pass under any statute or development regulation.
2. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the board and members who are disqualified from voting on the quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(Ord. No. O-2024-50, 9-17-2024)