



Quasi-Judicial Hearings



What is it?

Quasi-judicial hearings are evidentiary hearings in which a hearing body, such as the Town Board of Commissioners or the Zoning Board of Adjustment, seeks to determine facts about a particular issue through sworn testimony. Discretion is exercised to draw conclusions, applying the standards of an ordinance to the individual situation.

How are quasi-judicial hearings handled?

The Town Board of Commissioners or the Zoning Board of Adjustment will hear from qualifying experts on the proposed project including the Town planner, staff and the applicant, and any experts the applicant may have, in order to make a judicial decision about whether or not the proposed plan meets the requirements of the law and applicable ordinances.

In a quasi-judicial hearing, the hearing body is not allowed to take into consideration the popularity of a particular development proposal, special use or variance request. The hearing body can only consider and make their decision based on the competent and substantial evidence that is testified under oath and presented at the hearing. Competent and substantial evidence is more than an opinion; it is fact-based testimony which provides a substantial basis for the findings of fact which support the legal conclusions that are made.

What is considered competent and substantial evidence?

In the case of a quasi-judicial hearing, the decision-making body is not allowed to utilize popular sentiment or unsubstantiated evidence as the basis for making a decision. All decisions must be based upon material, substantial, and competent evidence. Material, substantial, and competent evidence consists of reliable and relevant evidence that a reasonable person would accept as adequate to support a conclusion, and must relate to the merits of the application. This may include the factual testimony of lay witnesses and the opinion testimony of experts. Information presented by the Town's staff also has been determined to constitute substantial competent evidence. The public is welcome to comment during the public comment portion of the meeting. Each agenda indicates who to contact and how to sign up to give a public comment.

Examples of quasi-judicial items

- Subdivision Sketch Plan
- Special Use Permit
- Variances

Reminder!

The Town Board of Commissioners and Zoning Board of Adjustment are required to be neutral decision makers and are therefore not allowed to talk to people who are for or against the application prior to the hearing, or if they do, must disclose those conversations at the public hearing.

When are public comments allowed?

The public is welcome to comment during the public comment portion of the meeting. Each agenda indicates who to contact and how to sign up to give a public comment.

Questions?

Town of Huntersville Planning Department

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