



# City of San Antonio

## Legislation Details (With Text)

<b>File #:</b>	19-7880		
<b>Type:</b>	Staff Briefing - Without Ordinance		
		<b>In control:</b>	Planning Commission
<b>On agenda:</b>	10/21/2019		
<b>Title:</b>	Discussion and possible action on proposed changes to Chapter 35, the Unified Development Code (UDC), Section 35-801, relating to changing the number of alternate members of the Board of Adjustment from six members to seven members. The PCTAC may discuss and consider changes to other relevant sections of the UDC in their deliberations. (Tony Felts, AICP, Development Services Policy Administrator, (210) 207-0153, tony.felts@sanantonio.gov, Development Services Department)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2019 BOA UDC Amendment		

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, PE, CBO

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:** BOA UDC Amendments

### SUMMARY:

An ordinance amending the Unified Development Code (UDC), Chapter 35, of the City Code of San Antonio, Texas, with changes to Section 35-801 relating to the composition of the Board of Adjustment (BOA).

### BACKGROUND INFORMATION:

The UDC currently designates the membership of the BOA as 11 regular members, each nominated by one of the Council Members and Mayor. The UDC also includes a provision to allow up to 6 alternate members, appointed by the City Council at large, who may act in the capacity of one of the regular members should there be an absence.

### ISSUE:

The Land Development Division, Zoning Section, has recently had difficulty in obtaining a full slate of 11 members to attend the BOA. A quorum of the BOA is 9 members, however, it is important to note that, per state law, 9 affirmative votes are required in order to approve a variance or to overturn a decision of the administrative official. As such, many applicants may request to hold over their cases in order to ensure that there is a full slate of 11 members on the BOA to hear their case.

In order to ensure a full slate of 11 members sitting on the BOA, the City Council's Governance Committee has requested an amendment to the UDC in order to allow 7 alternates to be appointed instead of 6 alternates. Again, an alternate would only sit on the Board in the event of an absence or recusal of a regular BOA member.

**ALTERNATIVES:**

As an alternative, the Technical Advisory Committee may choose not to recommend approval of the proposed amendments to the Unified Development Code.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Staff recommends approval.