



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-8055

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 11/4/2019

**Title:** Discussion and possible action 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) and authorizing a change to the BOA Rules and Procedures Document in order to modify the BOA Composition. (Catherine Hernandez, Development Services Administrator, (210) 207-5085, catherine.hernandez@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2019 BOA UDC Amendment, 2. November 2019 BOA Rules and Procedures DRAFT

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) and authorizing a change to the BOA Rules and Procedures Document in order to modify the BOA Composition.

**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 City Council may choose not to approve the proposed amendment to the Unified Development Code, leaving the composition at 6 alternates.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Staff recommends approval.