



City of San Antonio

Agenda Memorandum

File Number:19-8055

Agenda Item Number: 2.

Agenda Date: 11/4/2019

In Control: Board of Adjustment

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.