



# City of San Antonio

## Agenda Memorandum

**File Number:**19-8122

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**Agenda Item Number:** 15A.

**Agenda Date:** 11/14/2019

**In Control:** City Council A Session

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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 six (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. The BOA Rules and Procedures document also includes a reference to six (6) alternate members.

### **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.

It should be noted that state law, as of September 1, 2019, now requires the City Council to approve any changes to the BOA Rules and Procedures document. This change was a result of HB 2497 in the 86<sup>th</sup> Legislature.

**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:**

The Planning Commission Technical Advisory Committee recommended approval on October 21, 2019.

The Board of Adjustment recommended approval on November 4, 2019.

The Planning Commission recommendation will make a recommendation on November 13, 2019.

Staff recommends approval.