



City Council Agenda Item Report

January 15, 2013

Contact – Chance Sparks, AICP, CNUa, Director of Planning
512-312-0084 / csparks@ci.buda.tx.us

SUBJECT: DELIBERATION AND POSSIBLE ACTION REGARDING APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT.

1. BACKGROUND/HISTORY

The terms for three regular members of the Zoning Board of Adjustment expire in January 2013. In addition, a partial term for an alternate member and a full term for an alternate member remain unfilled.

Zoning Board of Adjustment & Appeals

The ZBOA is a quasi-judicial body. The ZBOA duties include:

- To hear and decide appeals where the applicant alleges that there is an error in any order, requirement, decision or determination made by city staff or the city council in the enforcement of the city's zoning regulations and ordinances;
- To hear and decide requests for special exceptions to the city's zoning regulations and ordinances;
- To hear and decide judicial variances; and
- To decide such other matters as may be assigned by the city council from time to time.

All cases before the board must be heard by at least 75% of the members. The concurring vote of 75% of the members of the board is necessary to:

- Reverse an order, requirement, decision or determination of an administrative official;
- Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance or issue; or
- Authorize a variation from the terms of a zoning ordinance or issue.

In all other cases, a simple majority of the members present at an official meeting is necessary to approve a matter.

The membership characteristics of the ZBOA are as follows:

- 5 members and 2 alternates
- All members and alternate members must be residents of the city
- 2-year staggered terms, with 4 appointed in January of even-numbered years and 3 appointed in January of odd-numbered years
- Maximum of 3 consecutive terms

- A member serving to fill an unexpired term shall be eligible for reappointment to serve 2 full 2-year terms
- Should an alternate member be appointed to serve as a board member, such appointment shall be for 2 full 2 year terms regardless of time served as an alternate member (serving as an alternate does not prevent full appointment)

2. FINDINGS/CURRENT ACTIVITY

Current membership and expiration for the Commission is as follows:

Zoning Board of Adjustment & Appeals

Highlighted places indicate those in need of City Council action:

Commissioner	Location	Term Expiration	Term Status/Eligibility
Gunn	Old Town	1/2013	Eligible for 1 more term
Hopkins	Garlic Creek	1/2013	Eligible for 1 more term
Falcon	Stone Ridge	1/2014	Final Term
Regular Vacant		1/2013	Eligible for 3 full terms, plus filling unexpired
Beth Hagan	Old Town	1/2014	Filled partial; Eligible for 3 full terms
Alternate (Vacant)		1/2013	
Alternate (Vacant)		1/2014	

Staff has not received a sufficient number of applications to fill all vacancies, but it is critical to ensure a quorum of the Commission is maintained.

For the three regular positions and two alternates available, Staff has received two applications from the following:

- Application from Benita Gunn, resident of Old Town
- Application from Tom Dahlstrom, resident of Old Town

Wiley Hopkins has indicated that he will not seek reappointment, as he is running for the vacant City Council position. Mr. Hopkins, however, did indicate that he could attend the January ZBOA meeting if necessary to maintain quorum.

3. FINANCIAL IMPACT

N/A

4. ACTION OPTIONS/RECOMMENDATION

During regular appointment cycles, the City Council has requested sufficient applications to generate a competitive appointment process. Staff has put forth efforts, including an insert in the utility bill, in hopes of attracting additional interest. Staff encourages the City Council to seek out potential Board members in the community to assist in filling all positions.

5. ATTACHMENTS

- Applications for Appointment & Reappointment
- Bylaws
- Enabling Ordinance