

Memorandum



CITY OF DALLAS

DATE April 2, 2010

TO Members of the Economic Development Committee:
Ron Natinsky (Chair), Tennell Atkins (Vice Chair), Dwaine Caraway, Sheffie Kadane, Linda Koop, Ann Margolin and Steve Salazar

SUBJECT Proposed Amendments to Board of Adjustment and Appeals Panel size.

Please find attached briefing materials on proposed amendments to Board of Adjustment Panel Size. This item is on the April 5, 2010 Economic Development Committee agenda for your consideration. The City Plan Commission has recommended that no change be made to the Board of Adjustment panel configuration.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'A.C. Gonzalez', enclosed in a hand-drawn oval.

A.C. Gonzalez
Assistant City Manager

C: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Ryan S. Evans, First Assistant City Manager
Deborah Watkins, City Secretary
Tom Perkins, City Attorney
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge Municipal Court
Forest Turner, Assistant City Manager
Jill A. Jordan P.E., Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Theresa O'Donnell, Director of Development Services
Helena Stevens-Thompson, Assistant to the City Manager

Board of Adjustment and Appeals Panel Configuration

City Council
Economic Development Committee
April 5, 2010



Background

- Staff was asked to look at alternatives to current 3 panel system with the Board of Adjustment and Appeals
- The Zoning Ordinance Advisory Committee considered the issue at two meetings with input from the community, consultants and current BDA members
- CPC considered the proposal at one hearing with similar input

Issues

- Multiple panels may result in inconsistencies between panels
- Inconsistencies between panels raises questions of fairness to applicants
- A $\frac{3}{4}$ vote is required for the Board to approve a request or appeal
- Panel(s) should reflect the diversity of the city
- Fewer panels may require additional meetings per panel

Issues

- As part of this amendment, staff is also recommending an amendment and correction to ordinance language to establish the start date of the two-year term for board of adjustment members, city plan commissioners, and landmark commissioners from September 1 to October 1 to conform to the City Charter.

Summary of Other Texas Cities Board of Adjustment Panels

San Antonio - 11 members and 6 alternates (CC 11)

Ft Worth - two 9 member panels, each serving as alternates for the other panel (CC 9)

Austin – 7 members and no restriction on alternates (CC 7)

Grand Prairie – 9 members and 4 alternates, (CC 9)

Arlington – 9 members and 4 alternates, (CC 9)

Richardson – 7 members (CC 7)

Plano – 5 members and 4 alternates (CC 9)

Garland – 8 members and 1 alternates (CC 9)

Duncanville – 5 members and 4 alternates (CC 7)

$\frac{3}{4}$ Vote Required for Different Number of Panel Members

Mem	$\frac{3}{4}$	%
5	4	80%
6	5	83%
7	6	86%
8	6	75%
9	7	78%
10	8	80%
11	9	82%
12	9	75%
13	10	77%
14	11	79%
15	12	80%

Options Considered

- Three panels – Existing system
- One 15 member panel
- One 5 member panel
- Two 8 member panels (one panel for residential and one for commercial)
- Two 8 member panels (cases randomly assigned)

ZOAC Recommendation

- Two 8 member panels (cases randomly assigned)
 - Each Councilmember appoints one member
 - Mayor appoints two members
 - City Secretary assigns panels to reflect diversity of city (current method with 3 panels)
 - Mayor appoints chair and vice chair
 - Chair chairs one panel, vice chair chairs other panel

CPC Recommendation

- No change to panel configuration but adopt correction to ordinance language to establish the start date of the two-year term for board of adjustment members, city plan commissioners, and landmark commissioners from September 1 to October 1 to conform to the City Charter.

Next Steps

- Schedule for City Council action
 - Tentatively scheduled for May 12, 2010