

Memorandum



CITY OF DALLAS

DATE April 16, 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 Configuration.

Please find attached briefing materials on proposed amendments to Board of Adjustment Panel Configuration. This item was previously briefed on April 5, 2010 and is on the April 19, 2010 Economic Development Committee agenda for additional consideration. The briefing includes an addendum which contains some additional analysis of Board cases. The City Plan Commission has recommended that no change be made to the Board of Adjustment panel size.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'A.C. Gonzalez'.

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 Sustainable Development and Construction
Helena Stevens-Thompson, Assistant to the City Manager

Board of Adjustment and Appeals Panel Configuration

City Council
Economic Development Committee
April 19, 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
- First Briefing to City Council Economic Development Committee on April 5, 2010

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

Members	$\frac{3}{4}$	%
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 28, 2010

Addendum

Analysis of Board Actions

2008 Board Requests

	Panel A			Panel B			Panel C		
	Requests	Approved	Percent	Requests	Approved	Percent	Requests	Approved	Percent
Variances	17	14	82.35%	9	6	66.67%	14	10	71.43%
Landscape Exception	5	5	100.00%	7	7	100.00%	8	8	100.00%
Fence Exception	13	9	69.23%	13	11	84.62%	18	14	77.78%
Parking	4	4	100.00%	5	4	80.00%	9	8	88.89%
Total	39	32	82.05%	34	28	82.35%	49	40	81.63%

2009 Board Requests

	Panel A			Panel B			Panel C		
	Requests	Approved	Percent	Requests	Approved	Percent	Requests	Approved	Percent
Variances	9	5	55.56%	8	6	75.00%	9	8	88.89%
Landscape Exception	5	4	80.00%	6	5	83.33%	11	11	100.00%
Fence Exception	18	15	83.33%	12	9	75.00%	14	10	71.43%
Parking	5	5	100.00%	10	8	80.00%	7	6	85.71%
Total	37	29	78.38%	36	28	77.78%	41	35	85.37%

Two Year Total	76	61	80.26%	70	56	80.00%	90	75	83.33%
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Addendum

Analysis of Board Case Load

BDA Cases

	FY 0607			FY 0708			FY 0809		
	Cases	Requests	\$	Cases	Requests	\$	Cases	Requests	\$
Oct	20	23	\$27,840.00	13	14	\$7,820.00	13	16	\$11,410.00
Nov	29	35	\$28,315.00	20	24	\$31,790.00	18	20	\$16,360.00
Dec	8	14	\$5,920.00	8	10	\$14,840.00	10	10	\$8,590.00
Jan	12	16	\$8,885.00	11	13	\$30,070.00	15	21	\$10,525.00
Feb	22	30	\$19,530.00	23	25	\$28,135.00	10	15	\$9,625.00
Mar	20	22	\$44,976.00	16	16	\$12,745.00	18	21	\$22,660.00
Apr	15	18	\$26,390.00	27	32	\$28,190.00	15	23	\$19,570.00
May	18	19	\$10,865.00	14	16	\$7,750.00	19	25	\$21,875.00
Jun	20	28	\$26,790.00	21	25	\$23,530.00	17	23	\$20,165.00
Jul	0	0	\$0.00	0	0	\$0.00	0	0	\$0.00
Aug	32	41	\$36,710.00	26	26	\$42,720.00	19	24	\$23,395.00
Sept	15	19	\$17,720.00	13	16	\$10,080.00	17	18	\$9,425.00
	211	265	\$253,941.00	192	217	\$237,670.00	171	216	\$173,600.00

- FY 0809 numbers represent a 24% decline in cases and a 42% decline in fees collected compared to FY 0607 numbers
- FY 0809 numbers represent a 8% decline in cases and a 37% decline in fees collected compared to FY 0708 numbers