

## AGENDA



Thursday, December 16, 2010

**Public Hearings and Possible Actions**  
**RECOMMENDATION FOR COUNCIL ACTION**

**Item No. 95**

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**Subject:** Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the Austin City Code to designate the Board of Adjustment as the body to review variances and site development regulation appeals in the Neighborhood Conservation Combining District (NCCD) (C20-2010-019).

**For More Information:** Robert Heil, 974-2330; Sylvia Arzola, 974-6448.

**Boards and Commission Action:** To be reviewed by Planning Commission on December 14, 2010.

**Prior Council Action:** August 5, 2010 - Council directed the City Manager to process a code amendment to authorize the Board of Adjustment to hear and decide variance requests and appeals in the Neighborhood Conservation Combining District (NCCD).  
November 18, 2010 - Council set the public hearing for December 16, 2010.

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The Board of Adjustment (BOA) considers variance requests and interpretation appeals related to zoning. However, the City of Austin's procedure does not authorize the BOA to consider requests in cases involving Neighborhood Conservation Combining Districts. This amendment would authorize the BOA to consider requests for variances and interpretations appeals in all zoning cases, even those involving NCCD's.

Staff recommends approval of the proposed code amendment. Allowing an avenue for variance requests and decision appeals is needed to bring all zoning procedures in line with State law. The Board of Adjustment is the appropriate body to hear such matters.