

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C2O-2010-019 – NCCD variance and decision appeal at the Board of Adjustment.

Description:

Amend the City of Austin Land Development Code, to designate the Board of Adjustment as the body to (1) hear and decide a request for a variance from a requirement of the NCCD and (2) consider an appeal of a decision of the building official regarding a site development regulation prescribed by the NCCD.

Background:

The Board of Adjustment hears variance requests and interpretation appeals related to zoning. However, the City of Austin's procedure does not authorize the BOA to hear requests in the cases involving Neighborhood Conservation Combining districts. This amendment, initiated by City Council, would authorize the BOA to hear requests for variances and interpretations appeals in all zoning cases, even those involving NCCD's.

Staff Recommendation:

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

Planning Commission Action:

September 21, 2010: The Codes and Ordinances Committee of the Planning Commission was briefed on Council action and the proposed code amendment.

November 9, 2010: The Planning Commission held a public hearing, returned the item to the Codes and Ordinances committee, and postponed action until December 14.

November 16, 2010: The Codes and Ordinances Committee of the Planning Commission is scheduled to discuss and act on the proposed code amendment.

December 14, 2010: The Planning Commission is scheduled for action.

City Council Date and Action:

August 5, 2010: City Council passes resolution 20100805-30 directing staff to initiate code amendments authorizing The City Manager is directed to process amendments authorizing the BOA to hear and decide:

- (A) Requests for a variance from the requirements of an NCCD; and
- (B) Appeals of a decision by the Building Official or director of Planning and Development Review regarding a site development regulation prescribed by an NCCD.

November 18, 2010: City Council to consider setting a public hearing for December 16, 2010.

December 16, 2010: Possible date for public hearing and action by City Council, pending their decision of November 18, 2010.

Ordinance Number:

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