



Legislation Text

File #: 050389, Version: 7

Board of Adjustment (B)

The City Commission referred various issues associated with the Board of Adjustment to the Community Development Committee. The Committee has completed its discussion and recommends several changes to Board of Adjustment functions and processes.

On September 12, 2005, the City Commission referred to the Community Development Committee issues associated with the Board of Adjustment (BOA). The Community Development Committee discussed the BOA and its rules, processes and appeals procedures, on September 15, October 6, and November 3, 2005. The Committee discussed various possible changes to the BOA and how it works. The Committee considered one alternative of eliminating the BOA and transferring its responsibilities to other boards. Ultimately, the Board concluded that the best approach is to advertise the existing appointments to the BOA (the Community Development Department has notified neighborhoods that three positions are vacant or expired by November 1, 2005), and implement training for Board members, along with various changes to jurisdiction and appeals procedures.

None

Community Development Committee to the City Commission: 1) staff provide information to neighborhoods regarding vacancies on the BOA; 2) staff provide an orientation session for new BOA members and training for the BOA; 3) the City Commission initiate a petition to amend the Land Development Code to establish term limits for Board of Adjustment members; to establish preferred (not required) backgrounds or experience in urban planning, architecture, landscape architecture, law, development or construction for three out of the five Board of Adjustment members; to amend the appeals process for appeals of administrative decisions, so that after administrative appeal levels are exhausted, the appeal is to a hearing officer for recommendation to the BOA for a BOA hearing and decision if facts are in dispute, and to the BOA directly if facts are not in dispute (and with the BOA authorized in either case to overturn staff's decision only with an affirmative vote by 4 members of the BOA), with appeal of the BOA decisions on administrative decisions to the City Commission; and to eliminate the opportunity for reestablishment of uses once the use becomes nonconforming and then lapses for a period of nine months; 4) the City Commission authorize the City Attorney to prepare an ordinance to eliminate certain of the rarely used appeals to the BOA; 5) the City Commission authorize the City Attorney's office and staff to prepare revised rules for the BOA consistent with the above changes once the City's codes are revised; and 6) remove this item from the referral list.