

ZONING BOARD OF ADJUSTMENT

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MUNICIPAL LAND USE PLAYERS



STAFF



PLANNING AND
ZONING
COMMISSION



CITY COUNCIL



BOARD OF
ADJUSTMENT



COURT

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WHAT IS A ZONING BOARD OF ADJUSTMENT (ZBA)?



Quasi-Judicial



Fact-finding



NOT Legislative



Interprets and
implements City
Zoning rules.

AUTHORITY

- State Level: Local Government Code Chapter 211
 - Municipal Zoning Authority
 - Sections 211.008 – 211.111 & 211.114
- City Level
 - Zoning Ordinance
 - Unified Development Code
 - Local Rules of Procedure
- Caselaw
- AG Opinions



HOUSEKEEPING: COMPOSITION OF THE BOARD

- Appointment: Governing Body may provide appointment procedure
 - **At least five** (5) members
 - Two (2) year terms
- Removal: Appointing authority may remove a member for cause
- Vacancy: Filled for unexpired term
- Alternate Members may be appointed in same manner.
- Type A General Law City: Governing Body may serve as ZBA.
- Panels: Cities over 500,000 may create multiple ZBA panels which can each act as a ZBA.



HOUSEKEEPING: BASIC BOARD PROCEDURES

- Quorum: 75% of membership
- Open Meetings: All meetings are open to the public.
- Records:
 - Minutes must be kept and record member's votes explicitly.
 - Keep records of examinations and other official actions.
 - Minutes and records shall be **filed immediately** in the board's office
 - Public records
- Board must adopt procedural rules. Must be approved by governing body.
- Presiding officer may administer oaths and compel the attendance of witnesses.

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"Board of Adjustments"