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Zoning Alphabet Soup: ZBA/BOA vs. P&Z/ZPC (Compare and Contrast)

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Compare and Contrast – Board of Adjustment and Zoning Commission

The Texas Zoning Enabling Act (Tx. Loc. Gov't Code Ch. 211) establishes several bodies with importance in the zoning process. Two of those bodies, the Board of Adjustment and the Zoning Commission, can be easily confused. They have radically different power and subject matter. As both are populated by appointed volunteers, it is important that those persons have a clear understanding of the context of each body in the zoning process.

The following chart shows the differences between these bodies:

Issue	Board of Adjustment	Zoning Commission
What am I?	Independent zoning entity reviewing and deciding on a limited scope of issues	Independent zoning entity reviewing and making recommendations to governing body on zoning issues
Required?	No - §211.008(a) Type A City may authorize its governing body to act as a BOA. §211.008(a) & (g)	No as to General Law Cities Yes as to Home Rule Cities The governing body <i>may</i> appoint its planning commission as its planning & zoning commission. §212.007(a)
Nicknames	"The safety valve for the zoning process" "The balance staff of a good watch, which regulates and keeps the machinery of zoning law on an even keel." – <i>Yokley, Zoning Law and Practice</i>	"Step 1 of due process"
Place in the zoning structure	<ul style="list-style-type: none"> Independent of the governing body, planning commission, zoning commission and City staff. Makes a <u>final decision</u>, appealable only to the judiciary. 	<ul style="list-style-type: none"> Independent of the governing body, board of adjustment and City staff. <u>Only</u> makes <u>recommendations</u> to the governing body Receipt of its recommendation is a condition precedent to zoning action by the governing body. §212.008(b)

Issue	Board of Adjustment	Zoning Commission
		<ul style="list-style-type: none"> May trigger a supermajority vote requirement at City Council, if so required by local ord. §211.006(f)
Issues reviewed	<ul style="list-style-type: none"> Appeals of decisions by City staff Appeals of interpretations by City staff Special exceptions, if specifically delegated to the Board in the Zoning Ordinance Variances "Other matters" delegated to the board by the governing body by ordinance §211.009 	<ul style="list-style-type: none"> Adoption of initial zoning ordinance / map Changes to zoning ordinance / map §211.007
Statutory Authority	TEX. LOC. GOV'T CODE §211.008-011, 014 (52 references)	TEX. LOC. GOV'T CODE §211.006-7 (17 references)
Legal Character	Quasi-Judicial	Legislative
Membership	<ul style="list-style-type: none"> Appointed by the governing body <i>At least</i> 5 members 2 year terms The governing body <i>must</i> provide the procedure for appointment The governing body <i>may</i> authorize each of its members to appoint one board member The governing body <i>may</i> remove a board member for cause on a written charge and after a public hearing The governing body <i>may</i> provide for alternate members 	<ul style="list-style-type: none"> Appointed by the governing body. §211.007(a) No other statutory requirements.

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