



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 3, 2022

AGENDA TOPIC: Consideration and possible action approving a Resolution to appoint members to fill the open Zoning Board of Adjustment Place 1 and Alternate Places 6 and 7

DATE: March 3, 2022

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

The City's Unified Development Code (UDC), Section 2.3 (4) b Zoning Board of Adjustment, provides for the structure and procedure of the Zoning Board of Adjustment ("the Board"):

b. Appointment and Removal

- i. The Zoning Board of Adjustment is established in accordance with Chapter 211 of the Texas Local Government Code (LGC). The Board Members are appointed by the City Council.
- ii. The Board shall consist of five (5) members who shall be appointed by majority vote of the City Council.
- iii. A member may only be removed for cause.
- iv. A vacancy on the Board shall be filled for the unexpired term.
- v. City Council, by majority vote, shall appoint two individuals as alternate board members to serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

During the last appointment process at the end of Fiscal Year 2020-2021, due to limited applications received, the city was unable to fill Place 1 and Alternate Places 6 & 7.

In addition, Section 2.3 (4) c, entitled, "Zoning Board of Adjustment Review Process and Vote" states:

- i. Each case that goes before the ZBOA must be heard by at least four (4) of the five (5) members.
- ii. The concurring vote of four (4) of the five (5) members of the ZBOA is necessary to:
 - a. Reverse an order, requirement, decision, or determination of an administrative official, or
 - b. Authorize a variation from the terms of a zoning regulation.

To properly perform their role and allow for potential absenteeism, it will require its' five (5) regular members and at least one (1) alternate.

On February 17, 2022 City Council voted to fill Place 1 and Alternate Places 6 & 7 of the ZBOA by utilizing the city's standardized appointment process.

The open positions were advertised on the city website with the intention that interviews would be held in advance of the March 3, 2022 council meeting.

Tonight's agenda item is to appoint a member to fill Place 1 and two (2) members to fill Alternate Places 6 and 7.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with the UDC.
2. Having all of the Board seats filled through citizen participation is an essential element in maintaining balance, common sense, and community values.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

- I move to appoint _____ to fill Place 1 of the Zoning Board of Adjustment.
- I move to appoint _____ to fill Alternate Place 6 of the Zoning Board of Adjustment.
- I move to appoint _____ to fill Alternate Place 7 of the Zoning Board of Adjustment