

C. BOARD OF ADJUSTMENT/SIGN REVIEW BOARD

Overview

The BOA is authorized by Article 2, §2-1-111 of the City's Code of Ordinances. It is a seven-member (7) Board consisting of Members who serve two-year, staggered terms.

The BOA hears requests for zoning variance requirements, airport zoning regulations, certain signage regulations and special exceptions. The Board also hears and decides appeals on Administrative Use Decisions made by staff in the Current Planning Division.

Meetings are held on the second Monday of each month, at 5:30 pm. Special Meetings are also held to discuss administrative processes and other matters. A review of a sampling of these Special Meeting agendas revealed that the Law Dept. is currently drafting a BOA Guide Book, which is good.

We reviewed a sampling of the Agendas, which are posted online, and found that they contained special exception and signage variances, as well as a significant volume of variance requests. There were no Use Determination Appeals on the Agendas for the last several months, which staff indicated is the norm, as very few appeals are heard annually.

Agendas are full, however Staff indicated that special meetings are scheduled when deemed necessary to accommodate special projects and peaks in activity. Minutes are up-to-date and presented as a summary (e.g., motion, voting). They are posted online along with video recordings of meetings, both of which are consistent with best practice. The July 2014 Minutes provided a tally of all cases and decisions made to date, which is an excellent resource.

BOA Bylaws and procedural rules, meeting dates and schedules, and staff supporting the Board are posted online along with BOA member contact information, which is also a best practice.

The Chair of the Board does a good job in ensuring the meetings are run efficiently and in accordance with the established procedures and by-laws. The city provides staff support from the Planning and Development Review Department and City Attorney's Office.

Annual Internal Review Report

An Annual Internal Review Report is prepared for the BOA that provides an overview of the Board's efforts and accomplishments in supporting/fulfilling its mission and charge, which is excellent. This report is posted online on the City's website.

Joint Study Sessions with City Council

Interviewees indicated that the BOA does not meet jointly with City Council at regular intervals to ensure that the Council and BOA are in alignment and discuss and resolve policy issues. This will be particularly important with the new City Council under the reorganized government. It is also essential that clear lines of authority be established.

436. Recommendation: The City Manager and the Development Services Manager for the Current Planning Division should schedule bi-annual joint study session meetings between the BOA and the City Council.

Process Issues

Reviewing past agendas reveals that most meetings have a significant number of requests to postpone agenda items. These postponements are typically at the applicant's request in order to provide them with additional time to address either previous comments from Board members or comments that have been voiced by interested neighbors. However, in some cases items are postponed because staff failed to adhere to the minimum public noticing requirements established by the Code. These staff generated postponements can have a significant impact on applicants and other interested parties who have arranged their schedules to attend the advertised meetings. The process to assure the proper noticing of public meetings needs to be closely monitored for compliance in order to avoid inconveniencing the public and undermining the City's credibility.

437. Recommendation: Staff assigned to support the Board of Adjustments/Sign Review Board should establish monitoring points to ensure that public notices are being properly processed. As part of this increase the supervision and training for this function.

Training

We received feedback that additional specialized training is needed for new BOA members and that on-going training is needed for existing members, so that they more fully understand the various application processes under their purview and the scope of review associated with each.

See our training recommendation under the Planning Commission and Zoning and Platting Commission heading, below.

Key Issues

The Chair of this Committee indicated that he was displeased with the level of staff support the Board was receiving. A review of recent Board agendas and viewing the video of one of their meeting indicated that many items of the agenda had to be postponed because they either failed to notify all of the required neighbors or they failed to get the notices out on time. In addition, there is no technical review of the applications by planning staff so frequently the applications have major deficiencies that the Board members feel they have to identify while performing a plan review during the open meeting. There is a general belief that the role of the Board has become to grant variances as a way to compensate for staff errors regardless of whether the circumstances actually support granting a variance. The Chair also states that frequently the application fails to cover all of the items that the applicant will eventually need to have approved before they can build. This seems to be the antithesis of what the DAC was created to address. There appears to be very little filtering of applications by staff before they are allowed to go on the agenda.

438. *Recommendation:* **Require a review by technical staff and a staff report to accompany each application. Review should include review by other in DAC to confirm the applicant has included all of the items they will need considered in their application.**

439. *Recommendation:* **Increase the fee charged to accommodate the additional staff work.**

440. *Recommendation:* **Consider reassigning the support for this Board to another group, perhaps Current Planning.**

D. BUILDING AND FIRE CODE BOARD OF APPEALS

Profile

The Building and Fire Code Board of Appeals is charged with the responsibility to hear appeals filed in accordance with the Land Development Code and to decide appeals of orders, decisions or determinations made by the building official relating to the application and interpretations of the Building Code and Fire Code as adopted by