

**SUBJECT:** Municipal zoning board of adjustment membership

**COMMITTEE:** Urban Affairs — committee substitute recommended

**VOTE:** 8 ayes — Hill, Bailey, Davila, Ehrhardt, Staples, Thompson, Tillery, Woolley  
0 nays  
1 absent — Conley

**WITNESSES:** For — Terry L. Williams, City of El Paso  
Against — None

**BACKGROUND:** Local Government Code sec. 211.008 allows a municipal governing body to provide for the appointment of a board of adjustment for zoning. The board of adjustment may be authorized to make special exceptions to and review variances to the terms of zoning ordinances as well as hear appeals. A board of adjustment must consist of five members appointed for two-year terms.

**DIGEST:** CSHB 875 would let cities appoint more than five members to zoning boards of adjustment. Governing bodies would have to provide a procedure for the appointment of members of the board, and could authorize each of their members, including the mayor, to appoint one member to the board of adjustment.  
  
CSHB 875 would change the requirement for a quorum of a board from four members to 75 percent of the membership. The same requirement would apply to a vote to take any action.  
  
CSHB 875 would take effect immediately if approved by two-thirds of the membership of each house.

**SUPPORTERS SAY:** HB 875 would allow cities the local option of determining the size of their zoning boards of adjustment by removing an arbitrary cap on the size of such boards. The current statute requiring five members to serve on a

board of adjustment for zoning has been on the books since the 1920s. Cities are much larger and zoning laws are much more complex now. The option of increasing the members would allow a more diverse membership on the boards to better reflect the city population makeup. Other citizen boards and commissions often have nine or 18 members. The change would be permissive only and would not require any city to enlarge its board.

OPPONENTS  
SAY:

No apparent opposition