

Board of Adjustment (BOA) Frequently Asked Questions

- **Why is a public hearing needed for a variance?**

A public hearing is needed in order to request a variance from certain requirements of The City of San Antonio's Unified Development Code.
- **Do I need an attorney to apply for a variance?**

No, but you may hire one if you choose. Board of Adjustment meetings are quasi-judicial proceedings, whereby the BOA's decision is based upon evidence from professionally qualified witnesses present at the hearings (planners, engineers, etc.).
- **Do I need an appointment to submit an application?**

An appointment is not necessary to submit an application, but we would encourage you to meet with a planner prior to your submission.
- **What occurs at the public hearing?**

You are given an opportunity to present your request to the Board of Adjustment. Other interested parties attending the meeting are also given an opportunity to speak regarding your application. The BOA will make a final decision regarding your application (approval or denial) at the conclusion of the public hearing. If you are dissatisfied with their decision, you may appeal the decision to the Courts within 10 days after the Board's decision is filed (date of approval of the minutes).
- **How long does the public hearing process take?**

It takes approximately 1 month from the application deadline date for the public hearing to be held. The variance process usually entails only one public hearing.
- **May I contact a member of the Board to discuss my case prior to the hearing?**

Members of the Board of Adjustment are instructed to refrain from discussing or corresponding on any matter currently, or scheduled to come before the Board, outside of formal meetings. Any Board member having contact with an applicant or member of the public regarding the application outside of a formal meeting must declare the content of such discussion during the public meeting. All inquiries should be directed to city staff.
- **What is the difference between a Special Exception and a Variance?**

Unless a particular use is stated in the ordinance as being explicitly allowed by special exception, the Board of Adjustment is powerless to grant a special exception for that use. A special exception is a use of land or buildings that is permitted, subject to specific conditions that are set forth in the Unified Development Code. A variance is a waiver or relaxation of particular requirements of the UDC when strict enforcement would cause undue hardship because of circumstances unique to the property.
- **What if I need help completing my application?**

Zoning staff is available to address general questions regarding the completion of this application. However, the burden of proving that the necessary conditions apply to the subject property is solely the responsibility of the applicant. Staff is unable to give advice on the specific conditions significant to a subject property. If you require assistance beyond what Staff is able to provide, you are advised to seek the help of a qualified attorney or land use planning expert.