

Worksession

MEMORANDUM

April 4, 2013

TO: Planning, Housing and Economic Development Committee

FROM: Jean C. Arthur, Legislative Analyst *JCA*

SUBJECT: **Worksession: FY14 Operating Budget
Board of Appeals**

At this meeting the Committee will review the Executive's recommendation for the FY14 Operating Budget for the Board of Appeals. Relevant pages from the FY14 Recommended Operating Budget are attached at ©1-3.

The following persons are expected at this worksession:

Catherine Titus, Chair, Board of Appeals

Katherine Freeman, Executive Director, Board of Appeals

Erika Finn-Lopez, OMB

OVERVIEW

For FY14, the County Executive is recommending a total of \$592,558, an increase of \$14,872 or 2.6 percent from the FY13 approved budget of \$577,686. The recommended budget funds three full-time positions and a chargeback of .5 FTE from the Office of the County Attorney.

	FY13 Approved	FY14 CE Recommended	% Change
EXPENDITURES			
• <i>Personnel Costs</i>	\$521,176	\$535,575	2.8%
• <i>Operating Expenses</i>	\$56,510	\$56,983	0.8%
Total General Fund Expenditures	\$577,686	\$592,558	2.6%
PERSONNEL			
Full-time	3	3	0
Part-time	0	0	0
FTEs	3.5	3.5	0
REVENUE			
Board of Appeals Fees	\$306,334	\$306,334	0

FY14 Expenditure Issues

The increase in personnel costs for this office is due to County government-wide adjustments in compensation. As noted in the chart above, included in this budget is .5 FTE that is a chargeback from the Office of the County Attorney.

Revenue. The Board of Appeals has collected \$167,367.95 in FY13 as of mid-March.

Performance Measures:

- The office makes use of volunteers whenever available to help meet statutory requirements.
- The Board of Appeals reports that it transmits correspondence and information electronically. However, it cannot send notices for hearings or accept applications electronically.

Current law and the BOA's Rules of Procedure dictate that notices and decisions must be sent in writing by mail. Staff notes that although a resident can obtain an application for a variance or special exception from the office's website, the application cannot be submitted electronically.

Council staff discussed with BOA staff the possibility of doing more electronically, for example, allowing applications for variances to be submitted online. BOA staff points out that it does not currently have the technical infrastructure required to accept electronic submissions. In addition to software and more electronic storage capacity, the office would need at least one printer capable of printing large schematic drawings and architectural plans.

Allowing the Board of Appeals to do more electronically would require investments in both electronic hardware and computer software, and changes is current law. Council staff believes, however, that this option probably would result in long-term cost savings and is worth exploring.

- The recommended budget shows that the Board of Appeals holds about 12 administrative hearings each year. Most of those cases are homeowners appealing building permits issued to their neighbors or homeowners appealing historic area work permits from the Historic Preservation Commission. The Board of Appeals has the authority to hear a wide variety of administrative appeals.

Council Staff Recommendation: Council staff recommends approval of the FY14 budget as submitted by the County Executive.

Board of Appeals

MISSION STATEMENT

The mission of the Board of Appeals is to implement the flexibility provided in the Zoning Ordinance as approved by the County Council and to assist County residents in understanding and participating in the special exception, variance, and administrative appeal process.

BUDGET OVERVIEW

The total recommended FY14 Operating Budget for the Board of Appeals is \$592,558, an increase of \$14,872 or 2.6 percent from the FY13 Approved Budget of \$577,686. Personnel Costs comprise 90.4 percent of the budget for three full-time positions. A total of 3.50 FTEs includes these positions as well as any seasonal, temporary, and positions charged to or from other departments or funds. Operating Expenses account for the remaining 9.6 percent of the FY14 budget.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ **A Responsive, Accountable County Government**

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below. The FY13 estimates reflect funding based on the FY13 approved budget. The FY14 and FY15 figures are performance targets based on the FY14 recommended budget and funding for comparable service levels in FY15.

Measure	Actual FY11	Actual FY12	Estimated FY13	Target FY14	Target FY15
Program Measures					
Number of administrative appeals decided	6	12	12	12	12
Number of administrative appeals heard	9	12	12	12	12
Number of administrative appeals filed	9	9	9	9	9
Number of variances decided	8	16	16	16	16
Average days to issue written Special Exceptions ¹	27	27	27	27	27
Average days to issue Notices of Special Exception hearings ²	28	14	14	14	14
Number of work sessions held	24	30	30	30	30
Average days to issue Notices of Variances hearings	7	7	7	7	7
Number of special exceptions decided	24	30	30	30	30
Number of special exceptions heard	35	50	50	50	50
Number of variances filed	8	20	20	20	20
Number of variances heard	8	20	20	20	20
Average days to Variances hearing	49	83	83	83	83
Number of special exceptions filed	42	44	44	44	44
Average days to issue Notices of Administrative Appeals hearings	18	14	14	14	14
Average days to issue written administrative appeals ³	36	36	36	36	36
Average days to issue written variances ⁴	31	30	30	30	30
Average days to Administrative Appeals hearing ⁵	103	103	103	103	103
Average days to Special Exceptions hearing ⁶	101	130	130	130	130
Number of administrative actions taken	228	300	300	300	300
Number of walk-in clients assisted	500	500	500	500	500
Number of telephone inquiries answered	1,367	1,500	1,500	1,500	1,500

¹ Board of Appeals Rule 9.1 requires issuance of special exception opinions within 30 days of close of record.

² County Code requires mailing of written notices of hearings within 7 days after the filing of any appeal, petition for special exception, request for a variance, or other matter within the Board's jurisdiction.

³ Board of Appeals Rule 9.1 requires issuance of administrative appeal opinions within 45 days of close of record.

⁴ Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 days of close of record.

⁵ County Code requires that the hearing on an administrative appeal be held not fewer than 30 days following the issuance of the written notice of the hearing.

⁶ County Code requires that the hearings for special exceptions be held not fewer than 60 days following the issuance of the written notice of hearing, and that the hearing on any other matter within the Board's jurisdiction be held not fewer than 30 days.

ACCOMPLISHMENTS AND INITIATIVES

❖ *Productivity Improvements*

- *The Board utilizes volunteer office help to try to meet statutory deadlines.*
- *Office paper is recycled for use as scratch pads and notepads.*
- *Correspondence and information are transmitted electronically.*

PROGRAM CONTACTS

Contact Katherine Freeman of the Board of Appeals at 240.777.6600 or Erika Lopez-Finn of the Office of Management and Budget at 240.777.2771 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Zoning Related Hearings and Administrative Appeals

The Board of Appeals hears requests for special exceptions and variances as provided in the Zoning Ordinance. The Zoning Ordinance requires that requests for certain uses (special exceptions) be considered for approval by the Board. Development standards for each zone are also set by the Zoning Ordinance. Variances from these standards require approval by the Board. The Board of Appeals also holds hearings and rules on appeals from administrative actions of certain governmental departments and agencies, as provided in the County Code.

BUDGET SUMMARY

	Actual FY12	Budget FY13	Estimated FY13	Recommended FY14	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	389,592	397,782	394,169	387,405	-2.6%
Employee Benefits	109,283	123,394	132,738	148,170	20.1%
County General Fund Personnel Costs	498,875	521,176	526,907	535,575	2.8%
Operating Expenses	51,375	56,510	56,509	56,983	0.8%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	550,250	577,686	583,416	592,558	2.6%
PERSONNEL					
Full-Time	3	3	3	3	—
Part-Time	0	0	0	0	—
FTEs	3.50	3.50	3.50	3.50	—
REVENUES					
Board of Appeals Fees	282,172	306,334	306,334	306,334	—
Other Licenses/Permits	-31	0	0	0	—
Other Charges/Fees	2,490	0	0	0	—
County General Fund Revenues	284,631	306,334	306,334	306,334	—

FY14 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY13 ORIGINAL APPROPRIATION	577,686	3.50
Other Adjustments (with no service impacts)		
Increase Cost: FY14 Compensation Adjustment	11,684	0.00
Increase Cost: Group Insurance Adjustment	8,378	0.00
Increase Cost: Retirement Adjustment	2,747	0.00
Increase Cost: Printing and Mail Adjustment	473	0.00
Increase Cost: Other Labor Contract Costs	419	0.00
Increase Cost: Annualization of FY13 Personnel Costs	-2,361	0.00
Decrease Cost: Elimination of FY13 \$2,000 Lump Sum	-6,468	0.00
FY14 RECOMMENDED:	592,558	3.50

FUTURE FISCAL IMPACTS

Title	CE REC. FY14	FY15	FY16	(\$000's) FY17	FY18	FY19
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY14 Recommended	593	593	593	593	593	593
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	15	17	17	17	17
These figures represent the estimated cost of general wage adjustments, new service increments, and associated benefits.						
Subtotal Expenditures	593	607	610	610	610	610