

# Zoning and Administrative Hearings

## MISSION STATEMENT

The mission of the Office of Zoning and Administrative Hearings is to conduct due process hearings in land use and other administrative matters in a manner that protects the rights of the participants, provides a complete record in each case, results in a thorough and balanced report or decision and serves the public interest.

## BUDGET OVERVIEW

The total recommended FY16 Operating Budget for the Office of Zoning and Administrative Hearings is \$624,000, an increase of \$36,585 or 6.2 percent from the FY15 Approved Budget of \$587,415. Personnel Costs comprise 87.8 percent of the budget for three full-time positions and one part-time position, and a total of 3.75 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 12.2 percent of the FY16 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 FY15 estimates reflect funding based on the FY15 approved budget. The FY16 and FY17 figures are performance targets based on the FY16 recommended budget and funding for comparable service levels in FY17.

Measure	Actual FY13	Actual FY14	Estimated FY15	Target FY16	Target FY17
<b>Program Measures</b>					
Average time from filing a case until the first hearing date is scheduled (months) <sup>1</sup>	4.5	4.5	4.0	4.0	4.0
Number of Hearing Examiner decisions overturned on appeal	0	0	0	0	0
Percentage of all legal deadlines and requirements met	100	100	100	100	100
Percentage of Hearing Examiner recommendations accepted by County Council, the Human Rights Commission and the CCOC, and the percentage of Hearing Examiner decisions upheld by the Board of Appeals <sup>2</sup>	100	100	100	100	100
Total cases completed <sup>3</sup>	52	28	28	28	28

<sup>1</sup> One outlier case was excluded from the average because its hearing was long delayed by the applicant's request. The timing of hearings in rezoning and conditional use cases will continue to be dictated by applicants' continuance requests and by the time needed by M-NCPPC Technical Staff and the Planning Board to complete their reviews.

<sup>2</sup> The District Council accepted the hearing examiners' recommendations in the four cases in which hearing examiner reports and recommendations were submitted in FY 2014. The Board of Appeals accepted the hearing examiners' recommendations in all of the special exceptions it decided in FY 2014.

<sup>3</sup> The decline in the number of cases completed in FY14 does not accurately reflect OZAH's FY14 workload. OZAH processed some very time-consuming matters in FY14, including DPA 13-02, which required 8 days of hearings, and S-2863, in which 37 days of hearings were held.

## ACCOMPLISHMENTS AND INITIATIVES

❖ **OZAH actively participated in the project to re-write the County's Zoning Ordinance and the project to streamline the process for handling zoning and permitting applications. Since the new Zoning Ordinance was adopted, effective October 30, 2014, OZAH has begun to accept all new conditional use applications, in addition to its continuing function to accept all other land use applications. To ensure full compliance with practices modified by the new Zoning Ordinance, OZAH completely rewrote its Rules of Procedure, and those new Rules were adopted by the Council in Resolution Nos. 17-1210 and 17-1249. OZAH also produced a new fee schedule for rezonings, development plan amendments, floating zone plan amendments and conditional use applications, which was approved by the Council in Resolution No.17-1168. To assist the public in applying the new Zoning Ordinance, OZAH published checklists and new forms on its website applicable to filing of rezonings, development plan amendments, floating zone plan amendments and conditional use applications.**

## PROGRAM CONTACTS

Contact Martin Grossman of the Office of Zoning and Administrative Hearings at 240.777.6667 or Crystal B. Sallee of the Office of Management and Budget at 240.777.2778 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### ***Zoning and Administrative Hearings***

The Hearing Examiner receives applications for certain zoning matters decided by the County Council; schedules and conducts public hearings; prepares and issues reports and recommendations for County Council action; receives applications, hears and decides special exception and conditional use cases; schedules and conducts referral hearings from other departments, such as the Commission on Human Rights and the Commission on Common Ownership Communities; adjudicates objections from findings of the Department of Housing and Community Affairs regarding accessory apartment applications; maintains administrative records for public inspection; collects zoning application fees; responds to public inquiries on zoning, special exception and conditional use cases; and works with other County agencies in the preparation, revision, and review of procedural rules, fee schedules, and zoning text amendments.

## BUDGET SUMMARY

	Actual FY14	Budget FY15	Estimated FY15	Recommended FY16	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	389,628	411,359	415,787	444,146	8.0%
Employee Benefits	94,766	99,642	94,439	103,738	4.1%
<b>County General Fund Personnel Costs</b>	<b>484,394</b>	<b>511,001</b>	<b>510,226</b>	<b>547,884</b>	<b>7.2%</b>
Operating Expenses	59,490	76,414	76,415	76,116	-0.4%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>543,884</b>	<b>587,415</b>	<b>586,641</b>	<b>624,000</b>	<b>6.2%</b>
<b>PERSONNEL</b>					
Full-Time	3	3	3	3	—
Part-Time	1	1	1	1	—
FTEs	3.75	3.75	3.75	3.75	—
<b>REVENUES</b>					
Zoning Fees	54,032	65,000	65,000	65,000	—
Other Charges/Fees	-2,750	0	0	0	—
<b>County General Fund Revenues</b>	<b>51,282</b>	<b>65,000</b>	<b>65,000</b>	<b>65,000</b>	—

## FY16 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY15 ORIGINAL APPROPRIATION</b>	<b>587,415</b>	<b>3.75</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: FY16 Compensation Adjustment	21,797	0.00
Increase Cost: Hearing Examiners' Salary Increase	21,036	0.00
Increase Cost: Group Insurance Adjustment	1,164	0.00
Decrease Cost: Printing and Mail	-298	0.00
Decrease Cost: Retirement Adjustment	-673	0.00
Decrease Cost: Annualization of FY15 Personnel Costs	-6,441	0.00
<b>FY16 RECOMMENDED:</b>	<b>624,000</b>	<b>3.75</b>

## FUTURE FISCAL IMPACTS

Title	CE REC.			(5000's)		
	FY16	FY17	FY18	FY19	FY20	FY21
This table is intended to present significant future fiscal impacts of the department's programs.						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
<b>FY16 Recommended</b>	<b>624</b>	<b>624</b>	<b>624</b>	<b>624</b>	<b>624</b>	<b>624</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
<b>Subtotal Expenditures</b>	<b>624</b>	<b>629</b>	<b>629</b>	<b>629</b>	<b>629</b>	<b>629</b>

