

# 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 FY15 Operating Budget for the Office of Zoning and Administrative Hearings is \$587,415, a decrease of \$24,364 or 4.0 percent from the FY14 Approved Budget of \$611,779. Personnel Costs comprise 87.0 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 13.0 percent of the FY15 budget.

The County Council approved the Zoning Ordinance rewrite on February 25, 2014. Since the Council's approval, the Office of Zoning and Administrative Hearings will pay the costs of all special exception transcripts, which the Board of Appeals now pays, thereby increasing the department's operating expenses.

## 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 FY14 estimates reflect funding based on the FY14 approved budget. The FY15 and FY16 figures are performance targets based on the FY15 recommended budget and funding for comparable service levels in FY16.

Measure	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
<b>Program Measures</b>					
Number of Hearing Examiner decisions overturned on appeal <sup>1</sup>	1	0	0	0	0
Total cases completed <sup>2</sup>	43	52	28	30	30
Average time from filing a case until hearing is held (months) <sup>3</sup>	4.5	4.5	4	4	4
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	98	100	100	100	100
Percentage of all legal deadlines and requirements met	100	100	100	100	100

<sup>1</sup> The District Council accepted the Hearing Examiners' recommendations in the six cases in which Hearing Examiner reports and recommendations were submitted in FY 2013. The Board of Appeals accepted the Hearing Examiners' recommendations in all of the special exceptions it decided in FY 2013.

<sup>2</sup> The decline in the number of cases completed thus far 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 28 days of hearings have been held to date. There has also been a recent influx of time-consuming HRC cases.

<sup>3</sup> The scheduling of hearings in rezoning and special exception cases will continue to be dictated by the time needed by M-NCPPC Technical Staff and the Planning Board to complete their reviews.

## ACCOMPLISHMENTS AND INITIATIVES

### ❖ *OZAH has 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.*

---

## **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; 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; maintains administrative records for public inspection; collects zoning application fees; responds to public inquiries on zoning cases and certain special exception cases; and works with other County agencies in the preparation, revision, and review of procedural rules, fee schedules, and zoning text amendments. Administrative support involves preparing legal advertising and other forms of notice; providing court reporter services for hearings before the Hearing Examiners; coordinating the public hearing calendar; preparation of the Office's annual budget; printing and mailing; and general office services.

## BUDGET SUMMARY

	Actual FY13	Budget FY14	Estimated FY14	Recommended FY15	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	359,392	439,860	377,531	411,359	-6.5%
Employee Benefits	78,091	95,629	88,507	99,642	4.2%
<b>County General Fund Personnel Costs</b>	<b>437,483</b>	<b>535,489</b>	<b>466,038</b>	<b>511,001</b>	<b>-4.6%</b>
Operating Expenses	77,586	76,290	76,226	76,414	0.2%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>515,069</b>	<b>611,779</b>	<b>542,264</b>	<b>587,415</b>	<b>-4.0%</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>					
Board of Appeals Fees	1,100	0	0	0	—
Zoning Fees	11,717	65,000	65,000	65,000	—
Other Charges/Fees	-2,150	0	0	0	—
<b>County General Fund Revenues</b>	<b>10,667</b>	<b>65,000</b>	<b>65,000</b>	<b>65,000</b>	—

## FY15 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY14 ORIGINAL APPROPRIATION</b>	<b>611,779</b>	<b>3.75</b>
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: FY15 Compensation Adjustment	25,120	0.00
Increase Cost: Group Insurance Adjustment	760	0.00
Increase Cost: Retirement Adjustment	684	0.00
Increase Cost: Printing and Mail	124	0.00
Decrease Cost: Annualization of FY14 Personnel Costs	-51,052	0.00
<b>FY15 RECOMMENDED:</b>	<b>587,415</b>	<b>3.75</b>

## FUTURE FISCAL IMPACTS

Title	CE REC. (\$000's)					
	FY15	FY16	FY17	FY18	FY19	FY20
This table is intended to present significant future fiscal impacts of the department's programs.						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
<b>FY15 Recommended</b>	<b>587</b>	<b>587</b>	<b>587</b>	<b>587</b>	<b>587</b>	<b>587</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
<b>Subtotal Expenditures</b>	<b>587</b>	<b>595</b>	<b>595</b>	<b>595</b>	<b>595</b>	<b>595</b>

