



Board of Appeals

Approved FY18 Budget
\$541,752

Full Time Equivalents
3.50

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 processes.

Budget Overview

The total approved FY18 Operating Budget for the Board of Appeals is \$541,752, a decrease of \$52,225 or 8.79 percent from the FY17 Approved Budget of \$593,977. Personnel Costs comprise 91.15 percent of the budget for three full-time position(s) and no part-time position(s), and a total of 3.50 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 8.85 percent of the FY18 budget.

Consistent with the County Charter, the County Executive makes recommendations on the operating budget for all County departments, offices, and agencies. However, recognizing the Charter-defined roles, the Executive defers significantly to Legislative and Judicial Branch agencies. Questions regarding the approved budgets for Legislative Branch departments should be directed to Mary Jane Berry, 240-777-7930.

Linkage to County Result Areas

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

 **A Responsive, Accountable County Government**

Department Performance Measures

Performance measures for this department are included below (where applicable). The FY17 estimates reflect funding based on the FY17 approved budget. The FY18 and FY19 figures are performance targets based on the FY18 approved budget and funding for comparable service levels in FY19.

Measure	Actual FY15	Actual FY16	Estimated FY17	Target FY18	Target FY19
Program Measures					
Number of Administrative Appeals filed	7	11	11	11	11
Number of pre-hearing conferences held	N/A	9	9	9	9
Number of Administrative Appeals heard	2	9	9	9	9
Number of Administrative Appeals decided	10	8	8	8	8
Average days to Administrative Appeals hearing notice ¹	4	11	11	11	11

Measure	Actual FY15	Actual FY16	Estimated FY17	Target FY18	Target FY19
Average days to Administrative Appeals hearing (minimum of 30 days notice required) ²	46	71	71	71	71
Average days to issue written Administrative Appeals decisions (within 45 days of close of record unless extended) ³	21	37	37	37	37
Number of Variances filed	26	17	17	17	17
Number of Variances heard	23	16	16	16	16
Number of Variances decided	13	19	19	19	19
Average days to Variance hearing notice	7	8	8	8	8
Average days to Variance hearing (within 60 days of accepting application) ⁴	22	48	48	48	48
Average days to issue Variance decision (within 30 days of close of record unless extended) ⁵	28	20	20	20	20
Number of requests for Oral Argument in Conditional Use cases ⁶	N/A	5	5	5	5
Number of requests for Oral Argument granted	N/A	3	3	3	3
Number of Conditional Use cases decided	N/A	4	4	4	4
Average days to issue Conditional Use decision (must issue within 30 days of voting on the matter unless extended)	N/A	16	16	16	16
Number of Circuit Court appeals processed	N/A	5	5	5	5
Number of Worksessions held	22	23	23	23	23
Number of Administrative Actions taken ⁷	166	190	190	190	190
Average days to Worksession Resolutions	26	21	21	21	21

¹ County Code requires mailing of written notice a minimum of 30 days before the scheduled hearing date.

² County Code requires that the hearing on an administrative appeal be held no fewer than 30 days after issuance of written notice of the hearing.

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

⁴ Section 59-7.3.2.C of the Zoning Ordinance requires the Board to schedule a hearing within 60 days after receiving an application.

⁵ Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 days of close of record.

⁶ The Board has appellate jurisdiction over all conditional use cases in which oral argument is requested.

⁷ Matters considered and/or decided at worksessions include, but are not limited to, preliminary motions in Administrative Appeals, requests for major modifications (following the issuance of a report and recommendation by the Office of Zoning and Administrative Hearings) and administrative modifications of existing special exceptions, requests for by-right hearings, requests for oral argument regarding appeals of conditional use decisions, requests for the revocation of special exceptions, requests for the reconsideration of earlier Board decisions, requests for show cause hearings, complaints regarding the operation of special exceptions, inspection reports from the Department of Permitting Services and the Department of Housing and Community Affairs regarding such complaints, and the submission of documents fulfilling various Board-imposed reporting requirements.

Program Contacts

Contact Barbara Jay of the Board of Appeals at 240.777.6604 or Trevor Lobaugh of the Office of Management and Budget at 240.777.2763 for more information regarding this department's operating budget.

Program Descriptions

Zoning Related Hearings and Administrative Appeals

The Board of Appeals hears requests for variances and appeals of conditional uses decided by the Hearing Examiner as provided in the Zoning Ordinance. The Zoning Ordinance requires that certain uses be considered for approval by the Hearing Examiner. 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. Finally, the Board considers modifications to those special exceptions that were filed or approved before the October 30, 2014 changes to the Zoning Ordinance.

BUDGET SUMMARY

	Actual FY16	Budget FY17	Estimate FY17	Approved FY18	%Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	410,240	411,008	395,475	402,398	-2.1 %
Employee Benefits	115,087	134,892	134,644	91,422	-32.2 %
County General Fund Personnel Costs	525,327	545,900	530,119	493,820	-9.5 %
Operating Expenses	35,580	48,077	25,532	47,932	-0.3 %
County General Fund Expenditures	560,907	593,977	555,651	541,752	-8.8 %
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	158,156	306,334	164,413	164,413	-46.3 %
Other Charges/Fees	2,550	0	0	0	—
County General Fund Revenues	160,706	306,334	164,413	164,413	-46.3 %

FY18 APPROVED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY17 ORIGINAL APPROPRIATION	593,977	3.50
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY18 Compensation Adjustment	9,270	0.00
Increase Cost: Stipend Increase for Board Members	815	0.00
Decrease Cost: Printing and Mail	(145)	0.00
Decrease Cost: Retirement Adjustment	(960)	0.00
Decrease Cost: Annualization of FY17 Personnel Costs	(61,205)	0.00
FY18 APPROVED	541,752	3.50

FUTURE FISCAL IMPACTS

CC APPROVED (\$000S)

Title	FY18	FY19	FY20	FY21	FY22	FY23
COUNTY GENERAL FUND						

FUTURE FISCAL IMPACTS

CC APPROVED (\$000S)

Title	FY18	FY19	FY20	FY21	FY22	FY23
EXPENDITURES						
FY18 Approved	542	542	542	542	542	542
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	3	3	3	3	3
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	542	545	545	545	545	545