



Board of Appeals

APPROVED FY19 BUDGET

\$579,230

FULL TIME EQUIVALENTS

3.50

 BARBARA JAY, DIRECTOR

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 FY19 Operating Budget for the County Government is \$2,086,153,086, an increase of \$23,431,650 or 1.1 percent from the FY18 Approved Budget of \$2,062,721,436 (excludes debt service). The total approved FY19 tax supported operating budget for the County Government is \$1,627,194,600, an increase of \$8,678,308 or 0.5 percent from the FY18 approved tax supported budget of \$1,618,516,292.

The County Government is the agency responsible for providing general services to residents. To do this, the agency is organized functionally into departments, offices, boards, and commissions which undertake all activities and operations of the government. County Government accounting information is organized by fund; this includes both tax supported and non-tax supported special funds, which either encompass an entire department or portions thereof. Detailed budget presentations on each of these organizational units and funds are displayed, organized by function, in the following sections of this document.

Government Functions

The County Government functions organize departments, offices, boards, and commissions by related activity. The functions of the Montgomery County Government are:

- General Government
- Public Safety
- Transportation
- Health and Human Services
- Libraries, Culture and Recreation
- Community Development and Housing
- Environment
- Other County Functions

Government Funds

County government funds are typically categorized by tax supported and non-tax supported funds. Tax supported funds are financed through Countywide taxes or special tax rates assessed on a geographic area encompassing the users of the respective services. In addition to taxes, these funds are also supported by intergovernmental aid, user fees, and other resources. Non-tax supported funds include enterprise funds and grants. Enterprise funds are operations that are financed and operated in a manner similar to private enterprise. The cost of providing these functions is primarily recovered through user charges.

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 FY18 estimates reflect funding based on the FY18 Approved Budget. The FY19 and FY20 figures are performance targets based on the FY19 Approved Budget and funding for comparable service levels in FY20.

Measure	Actual FY16	Actual FY17	Estimated FY18	Target FY19	Target FY20
Program Measures					
Number of Administrative Appeals filed	11	5	5	5	5
Number of pre-hearing conferences held	9	6	6	6	6
Number of Administrative Appeals heard	9	3	3	3	3
Number of Administrative Appeals decided	8	5	5	5	5
Average days to Administrative Appeals hearing notice ¹	11	16	16	16	16
Average days to Administrative Appeals hearing (minimum of 30 days notice required) ²	71	54	54	54	54
Average days to issue written Administrative Appeals decisions (within 45 days of close of record unless extended) ³	37	28	28	28	28
Number of Variances filed	17	27	27	27	27
Number of Variances heard	16	22	22	22	22
Number of Variances decided	19	21	21	21	21
Average days to Variance hearing notice	8	10	10	10	10
Average days to Variance hearing (within 60 days of accepting application) ⁴	48	42	42	42	42
Average days to issue Variance decision (within 30 days of close of record unless extended) ⁵	20	14	14	14	14
Number of requests for Oral Argument in Conditional Use cases ⁶	5	2	2	2	2
Number of requests for Oral Argument granted	3	1	1	1	1
Number of Conditional Use cases decided	4	2	2	2	2
Average days to issue Conditional Use decision (must issue within 30 days of voting on the matter unless extended)	16	16	16	16	16
Number of Circuit Court appeals processed	5	7	7	7	7
Number of Worksessions held	23	22	22	22	22
Number of Administrative Actions taken ⁷	190	167	167	167	167
Average days to Worksession Resolutions	21	16	16	16	16

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 Helen P. Vallone of the Office of Management and Budget at 240.777.2755 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 FY17	Budget FY18	Estimate FY18	Approved FY19	%Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	395,458	402,398	406,954	418,455	4.0 %
Employee Benefits	132,007	91,422	93,181	95,548	4.5 %
County General Fund Personnel Costs	527,465	493,820	500,135	514,003	4.1 %
Operating Expenses	26,643	47,932	30,325	65,227	36.1 %
County General Fund Expenditures	554,108	541,752	530,460	579,230	6.9 %
PERSONNEL					
Full-Time	3	3	3	3	—
Part-Time	0	0	0	0	—
FTEs	3.50	3.50	3.50	3.50	—

BUDGET SUMMARY

	Actual FY17	Budget FY18	Estimate FY18	Approved FY19	%Chg Bud/App
REVENUES					
Board of Appeals Fees	179,508	164,413	164,413	164,413	—
Other Charges/Fees	4,400	0	0	0	—
County General Fund Revenues	183,908	164,413	164,413	164,413	—

FY19 APPROVED CHANGES

		Expenditures	FTEs
COUNTY GENERAL FUND			
FY18 ORIGINAL APPROPRIATION		541,752	3.50
<u>Other Adjustments (with no service impacts)</u>			
Increase Cost: Office and Hearing Room Renovations. Total Cost Shared with Zoning and Administrative Hearings.		20,000	0.00
Increase Cost: FY19 Compensation Adjustment		10,141	0.00
Increase Cost: Annualization of FY18 Personnel Costs		8,722	0.00
Increase Cost: Stipend Increase for Board Members		1,191	0.00
Increase Cost: Retirement Adjustment		129	0.00
Increase Cost: Printing and Mail		21	0.00
Decrease Cost: Decrease Operating Expenses		(2,726)	0.00
FY19 APPROVED		579,230	3.50

FUTURE FISCAL IMPACTS

CC APPROVED (\$000S)

Title	FY19	FY20	FY21	FY22	FY23	FY24
COUNTY GENERAL FUND						
EXPENDITURES						
FY19 Approved	579	579	579	579	579	579
No inflation or compensation change is included in outyear projections.						
Elimination of One-Time Items Approved in FY19	0	(20)	(20)	(20)	(20)	(20)
Items recommended for one-time funding in FY19, including office and hearing room renovations, will be eliminated from the base in the outyears.						
Labor Contracts	0	6	6	6	6	6
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	579	565	565	565	565	565