



Board of Appeals

RECOMMENDED FY19 BUDGET

\$559,230

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 recommended FY19 Operating Budget for the Board of Appeals is \$559,230, an increase of \$17,478 or 3.23 percent from the FY18 Approved Budget of \$541,752. Personnel Costs comprise 91.91 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 8.09 percent of the FY19 budget.

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 recommended 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

Measure	Actual	Actual	Estimated	Target	Target
	FY16	FY17	FY18	FY19	FY20
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	Recommended FY19	%Chg Bud/Rec
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	45,227	-5.6 %
County General Fund Expenditures	554,108	541,752	530,460	559,230	3.2 %
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	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 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY18 ORIGINAL APPROPRIATION	541,752	3.50
Other Adjustments (with no service impacts)		
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 RECOMMENDED	559,230	3.50

FUTURE FISCAL IMPACTS

CE RECOMMENDED (\$000S)

Title	FY19	FY20	FY21	FY22	FY23	FY24
COUNTY GENERAL FUND						

FUTURE FISCAL IMPACTS

CE RECOMMENDED (\$000S)

Title	FY19	FY20	FY21	FY22	FY23	FY24
EXPENDITURES						
FY19 Recommended	559	559	559	559	559	559
No inflation or compensation change is included in outyear projections.						
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	559	565	565	565	565	565