



# Board of Appeals

## APPROVED FY20 BUDGET

\$560,413

## FULL TIME EQUIVALENTS

3.50

 BARBARA JAY, EXECUTIVE 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 variance, administrative appeal, special exception modification, and conditional use appeal processes.

## BUDGET OVERVIEW

The total approved FY20 Operating Budget for the Board of Appeals is \$560,413, a decrease of \$18,817 or 3.25 percent from the FY19 Approved Budget of \$579,230. Personnel Costs comprise 93.53 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 6.47 percent of the FY20 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-designed roles, the Executive defers significantly to the Legislative and Judicial Branch agencies. Questions regarding the approved budgets for Legislative Branch departments should be directed to Mary Jane Berry, 240-777-7930.

## COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

 **Effective, Sustainable Government**

## DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable). The FY19 estimates reflect funding based on the FY19 Approved Budget. The FY20 and FY21 figures are performance targets based on the FY20 Approved Budget and funding for comparable service levels in FY21.

Measure	Actual	Actual	Estimated	Target	Target
Board of Appeals					

	FY17	FY18	FY19	FY20	FY21
<b>Program Measures</b>					
Number of Administrative Appeals filed	5	10	10	10	10
Number of pre-hearing conferences held	6	9	9	9	9
Number of Administrative Appeals heard	3	4	4	4	4
Number of Administrative Appeals decided	5	8	8	8	8
Average days to Administrative Appeals hearing notice <sup>1</sup>	16	15	15	15	15
Average days to Administrative Appeals hearing (minimum of 30 days notice required) <sup>2</sup>	54	61	61	61	61
Average days to issue written Administrative Appeals decisions (within 45 days of close of record unless extended) <sup>3</sup>	28	28	28	28	28
Number of Variances filed	27	30	30	30	30
Number of Variances heard	22	38	38	38	38
Number of Variances decided	21	38	38	38	38
Average days to Variance hearing notice	10	16	16	16	16
Average days to Variance hearing (within 60 days of accepting application) <sup>4</sup>	42	50	50	50	50
Average days to issue Variance decision (within 30 days of close of record unless extended) <sup>5</sup>	14	9	9	9	9
Number of requests for Oral Argument in Conditional Use cases <sup>6</sup>	2	1	1	1	1
Number of requests for Oral Argument granted	1	0	0	0	0
Number of Conditional Use cases decided	2	1	1	1	1
Average days to issue Conditional Use decision (must issue within 30 days of voting on the matter unless extended)	16	13	13	13	13
Number of Circuit Court appeals processed	7	1	1	1	1
Number of Worksessions held	22	24	24	24	24
Number of Administrative Actions taken <sup>7</sup>	167	146	146	146	146
Average days to Worksession Resolutions	16	13	13	13	13

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

<sup>2</sup> 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.

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

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

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

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

<sup>7</sup> 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 Philip Weeda of the Office of Management and Budget at 240.777.2780 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 as provided in the Zoning Ordinance. Development standards for each zone are set by the Zoning Ordinance. Variances from these standards require approval by the Board. In addition, the Board hears appeals of conditional uses decided by the Hearing Examiner, as provided in the Zoning Ordinance. 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 FY18	Budget FY19	Estimate FY19	Approved FY20	%Chg Bud/App
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	407,232	418,455	412,939	422,344	0.9 %
Employee Benefits	92,431	95,548	96,395	101,830	6.6 %
<b>County General Fund Personnel Costs</b>	<b>499,663</b>	<b>514,003</b>	<b>509,334</b>	<b>524,174</b>	<b>2.0 %</b>
Operating Expenses	31,470	65,227	48,528	36,239	-44.4 %
<b>County General Fund Expenditures</b>	<b>531,133</b>	<b>579,230</b>	<b>557,862</b>	<b>560,413</b>	<b>-3.2 %</b>
<b>PERSONNEL</b>					
Full-Time	3	3	3	3	—
Part-Time	0	0	0	0	—
FTEs	3.50	3.50	3.50	3.50	—
<b>REVENUES</b>					
Board of Appeals Fees	195,374	164,413	164,413	164,413	—
Other Charges/Fees	2,516	0	0	0	—
<b>County General Fund Revenues</b>	<b>197,890</b>	<b>164,413</b>	<b>164,413</b>	<b>164,413</b>	<b>—</b>

### FY20 APPROVED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY19 ORIGINAL APPROPRIATION</b>	<b>579,230</b>	<b>3.50</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: FY20 Compensation Adjustment	12,946	0.00
Increase Cost: Retirement Adjustment	1,120	0.00
Increase Cost: Board Member Stipend Increases	689	0.00
Decrease Cost: Mail Services [Zoning Related Hearings and Administrative Appeals]	(1,272)	0.00
Decrease Cost: Annualization of FY19 Personnel Costs	(4,584)	0.00
Decrease Cost: Printing Services [Zoning Related Hearings and Administrative Appeals]	(7,716)	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY19	(20,000)	0.00

**FY20 APPROVED CHANGES**

	Expenditures	FTEs
<b>FY20 APPROVED</b>	<b>560,413</b>	<b>3.50</b>

**FUTURE FISCAL IMPACTS**

CC APPROVED (\$000S)

Title	FY20	FY21	FY22	FY23	FY24	FY25
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY20 Approved</b>	<b>560</b>	<b>560</b>	<b>560</b>	<b>560</b>	<b>560</b>	<b>560</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>560</b>	<b>567</b>	<b>567</b>	<b>567</b>	<b>567</b>	<b>567</b>