



Zoning and Administrative Hearings

APPROVED FY20 BUDGET

\$683,583

FULL TIME EQUIVALENTS

4.00

MARTIN GROSSMAN, DIRECTOR

MISSION STATEMENT

The mission of the Office of Zoning and Administrative Hearings (OZAH) 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 approved FY20 Operating Budget for the Office of Zoning and Administrative Hearings is \$683,583, a decrease of \$20,476 or 2.91 percent from the FY19 Approved Budget of \$704,059. Personnel Costs comprise 91.23 percent of the budget for four full-time position(s) and no part-time position(s), and a total of 4.00 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 8.77 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-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.

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 FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
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Measure	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Program Measures					
Average time from filing a case until the first hearing date is scheduled (months) ¹	4	4	4	4	4
Number of Hearing Examiner decisions overturned on appeal ²	0	0	0	0	0
Percentage of all legal deadlines and requirements met	100	100	100	100	100
Percentage of Hearing Examiner recommendations accepted by County Council, the Human Rights Commission, the CAO, and the Board of Registration and the percentage of Hearing Examiner decisions upheld by the Board of Appeals	100	100	100	100	100
Total cases completed ³	32	25	25	25	25

¹ Hearings in land-use cases are initially scheduled within 4 months of filing. When the hearings are delayed, it is almost always at the request of the applicant to accomplish changes in the applicant's plans required by the Planning Department.

² At this time, no OZAH cases are pending in the courts. The Maryland Court of Special Appeals upheld the findings of OZAH Hearing Examiners in three cases in FY18. One of the cases is a human rights matter (*Erik Belfiore v. Merchant Link, LLC*, 236 Md. App. 32, 180 A.3d 230 (2018)). Two are land use cases (*Brandywine Senior Living at Potomac LLC, et al. v. Ronald A. Paul.*, 237 Md.App. 195, 184 A.3d 48 (2018); and *Costco Wholesale Corp. v. Montgomery County, Maryland, et al.*, Ct of Special Appeals No. 2450, OZAH Case No. S-2863).

³ The number of new cases filed in FY18 (25) was a decrease from FY17 (33), but slightly greater than the number of cases filed in FY16 (24). The current projections for new cases for future fiscal years is estimated to be 25 per year.

PROGRAM CONTACTS

Contact Martin Grossman of the Office of Zoning and Administrative Hearings at 240.777.6667 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 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; receives applications, 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; adjudicates objections from findings of the Department of Housing and Community Affairs regarding accessory apartment applications; maintains administrative records for public inspection; collects zoning application fees; responds to public inquiries on zoning, special exception, and conditional use cases; and works with other County agencies in the preparation, revision, and review of procedural rules, fee schedules, and zoning text amendments.

BUDGET SUMMARY

	Actual FY18	Budget FY19	Estimate FY19	Approved FY20	%Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	486,261	496,191	509,506	505,227	1.8 %
Employee Benefits	103,515	110,000	114,016	118,381	7.6 %

BUDGET SUMMARY

	Actual FY18	Budget FY19	Estimate FY19	Approved FY20	%Chg Bud/App
County General Fund Personnel Costs	589,776	606,191	623,522	623,608	2.9 %
Operating Expenses	76,303	97,868	36,115	59,975	-38.7 %
County General Fund Expenditures	666,079	704,059	659,637	683,583	-2.9 %
PERSONNEL					
Full-Time	4	4	4	4	—
Part-Time	0	0	0	0	—
FTEs	4.00	4.00	4.00	4.00	—
REVENUES					
Other Charges/Fees	5,000	0	0	0	—
Zoning Fees	48,886	65,000	65,000	65,000	—
County General Fund Revenues	53,886	65,000	65,000	65,000	—

FY20 APPROVED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY19 ORIGINAL APPROPRIATION	704,059	4.00
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY20 Compensation Adjustment	11,227	0.00
Increase Cost: Annualization of FY19 Personnel Costs	3,275	0.00
Increase Cost: Retirement Adjustment	2,915	0.00
Decrease Cost: Temporary Clerical Services [Zoning and Administrative Hearings]	(1,000)	0.00
Decrease Cost: Contract Hearing Examiners [Zoning and Administrative Hearings]	(4,824)	0.00
Decrease Cost: Transcription Services [Zoning and Administrative Hearings]	(8,000)	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY19	(10,000)	0.00
Decrease Cost: Consultant Services [Zoning and Administrative Hearings]	(14,069)	0.00
FY20 APPROVED	683,583	4.00

FUTURE FISCAL IMPACTS

CC APPROVED (\$000S)

Title	FY20	FY21	FY22	FY23	FY24	FY25
COUNTY GENERAL FUND						
EXPENDITURES						
FY20 Approved	684	684	684	684	684	684
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	5	5	5	5	5
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						

FUTURE FISCAL IMPACTS

CC APPROVED (\$000S)

Title	FY20	FY21	FY22	FY23	FY24	FY25
Subtotal Expenditures	684	689	689	689	689	689