



# Board of Appeals

## APPROVED FY23 BUDGET

\$604,809

## 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 FY23 Operating Budget for the Board of Appeals is \$604,809, an increase of \$22,289 or 3.83 percent from the FY22 Approved Budget of \$582,520. Personnel Costs comprise 93.17 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 6.83 percent of the FY23 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**

## PROGRAM CONTACTS

Contact Barbara Jay of the Board of Appeals at 240.777.6604 or Julie Knight of the Office of Management and Budget at 240.777.2760 for more information regarding this department's operating budget.

## PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable). The FY22 estimates reflect funding based on the FY22 Approved Budget. The FY23 and FY24 figures are performance targets based on the FY23 Approved Budget and funding for comparable service levels in FY24.

Measure	Actual FY20	Actual FY21	Estimated FY22	Target FY23	Target FY24
<b>Program Measures</b>					
Number of Administrative Appeals decided	7	6	6	6	6
Average days to issue written Administrative Appeals decisions (within 45 days of close of record unless extended) <sup>1</sup>	12	20	20	20	20
Number of Variances decided <sup>2</sup>	31	43	43	43	43
Average days to issue Variance decision (within 30 days of close of record unless extended) <sup>3</sup>	13	10	10	10	10
Number of Conditional Use cases decided <sup>4</sup>	2	0	1	1	1
Average days to issue Conditional Use decision (must issue within 30 days of voting on the matter unless extended) <sup>5</sup>	16	n/a	16	16	16
Number of Circuit Court appeals processed	1	2	2	2	2
Number of Administrative Actions taken <sup>6</sup>	101	91	91	91	91

<sup>1</sup> Board of Appeals Rule 9.1 requires issuance of administrative appeal opinions within 45 days of close of record.

<sup>2</sup> The Board saw a significant increase in the number of variances filed in FY21 over FY20, which in turn resulted in an increase in the number of variances heard and decided.

<sup>3</sup> Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 days of close of record.

<sup>4</sup> Outyear projections are based on YTD FY22 filings.

<sup>5</sup> Since the Board did not decide any Conditional Use cases in FY21, there is nothing to report here.

<sup>6</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 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 FY21	Budget FY22	Estimate FY22	Approved FY23	%Chg Bud/App
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### COUNTY GENERAL FUND

## BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Approved FY23	%Chg Bud/App
<b>EXPENDITURES</b>					
Salaries and Wages	428,060	441,385	443,138	454,250	2.9 %
Employee Benefits	100,160	104,898	105,319	109,269	4.2 %
<b>County General Fund Personnel Costs</b>	<b>528,220</b>	<b>546,283</b>	<b>548,457</b>	<b>563,519</b>	<b>3.2 %</b>
Operating Expenses	22,325	36,237	25,276	41,290	13.9 %
<b>County General Fund Expenditures</b>	<b>550,545</b>	<b>582,520</b>	<b>573,733</b>	<b>604,809</b>	<b>3.8 %</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	179,251	158,064	158,064	158,064	—
Other Charges/Fees	6,490	0	0	0	—
<b>County General Fund Revenues</b>	<b>185,741</b>	<b>158,064</b>	<b>158,064</b>	<b>158,064</b>	<b>—</b>
<b>GRANT FUND - MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	1,893	0	0	0	—
Employee Benefits	0	0	0	0	—
<b>Grant Fund - MCG Personnel Costs</b>	<b>1,893</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>—</b>
<b>Grant Fund - MCG Expenditures</b>	<b>1,893</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>—</b>
<b>PERSONNEL</b>					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
FTEs	0.00	0.00	0.00	0.00	—
<b>REVENUES</b>					
Federal Grants	1,893	0	0	0	—
<b>Grant Fund - MCG Revenues</b>	<b>1,893</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>—</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>552,438</b>	<b>582,520</b>	<b>573,733</b>	<b>604,809</b>	<b>3.8 %</b>
<b>Total Full-Time Positions</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>—</b>
<b>Total Part-Time Positions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>—</b>
<b>Total FTEs</b>	<b>3.50</b>	<b>3.50</b>	<b>3.50</b>	<b>3.50</b>	<b>—</b>
<b>Total Revenues</b>	<b>187,634</b>	<b>158,064</b>	<b>158,064</b>	<b>158,064</b>	<b>—</b>

### FY23 APPROVED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		

## FY23 APPROVED CHANGES

	Expenditures	FTEs
<b>FY22 ORIGINAL APPROPRIATION</b>	<b>582,520</b>	<b>3.50</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: Annualization of FY22 Compensation Increases	8,786	0.00
Increase Cost: FY23 Compensation Adjustment	7,346	0.00
Increase Cost: Add 5 laptops [Zoning Related Hearings and Administrative Appeals]	5,000	0.00
Increase Cost: Retirement Adjustment	1,104	0.00
Increase Cost: Printing and Mail Adjustment	53	0.00
<b>FY23 APPROVED</b>	<b>604,809</b>	<b>3.50</b>

## FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY23 Approved</b>	<b>605</b>	<b>605</b>	<b>605</b>	<b>605</b>	<b>605</b>	<b>605</b>
No inflation or compensation change is included in outyear projections.						
<b>Elimination of One-Time Items Approved in FY23</b>	<b>0</b>	<b>(5)</b>	<b>(5)</b>	<b>(5)</b>	<b>(5)</b>	<b>(5)</b>
Items recommended for one-time funding in FY23, including laptops, will be eliminated from the base in the outyears.						
<b>Labor Contracts</b>	<b>0</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>605</b>	<b>615</b>	<b>615</b>	<b>615</b>	<b>615</b>	<b>615</b>