

MEMORANDUM

May 2, 2022

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Naeem M. Mia, Legislative Analyst

SUBJECT: **FY23 Recommended Operating Budget – Board of Appeals (BOA)**

PURPOSE: Vote on recommendations for the Council’s consideration

Expected Attendees:

- Barbara Jay, Executive Director, BOA
- Julie Knight, Fiscal and Policy Analyst, Office of Management and Budget (OMB)

A. Summary of Staff Recommendations

1) *Approve the Executive’s recommended FY23 Operating Budget request for BOA.*

B. Fiscal Summary

Board of Appeals	FY22 Approved	FY23 CE Recommended	Change from FY22 Approved
General Fund	\$582,520	\$599,809	3.0%
Personnel Costs	\$546,283 3.50 FTEs	\$563,519 3.50 FTEs	3.2% 0.00 FTEs
Operating Costs	\$36,237	\$36,290	0.2%
Total Expenditures (all funds)	\$582,250 3.50 FTEs	\$599,809 3.50 FTEs	3.0% 0%

C. Public Testimony

There were no speakers or testimony related to the Board of Appeals during the Council’s April 2022 operating budget public hearings.

D. Major Budget and Discussion Items for FY23

1. *Personnel and Technical Adjustments (+ \$ 17,289)*

BOA’s FY23 recommended budget includes several personnel and technical adjustments to reflect updated personnel costs from the approved FY22 and proposed FY23 compensation agreements, retirement adjustments, and print and mail chargebacks.

Council staff recommendation: Approve as requested by the County Executive.

2. *Items not requested by the County Executive*

The department has noted several “wish list” items that would enhance the newly-renovated hearing room (which is also used by OZAH and public meeting attendees), including:

- a. Improved chairs. The current chairs are worn with tattered arms; the department will first seek surplus furniture in the County warehouse but may ultimately need new chairs to be purchased.
- b. New notebook computers for Board members to use during meetings. The department notes that “having laptops for the Board members would allow them to access case materials electronically during the hearing, instead of having to provide paper copies of the materials for them.” The department also notes that Board members do have the option of bringing their own personal laptops. Currently, the Board does not have hybrid meetings at this time.

The cost estimate of a new notebook is approximately \$1,000 per unit; therefore, a total of \$5,000 would be needed to provide five (5) notebooks.

Council staff recommendation: Defer consideration of these items until mid-FY23.

3. *Staffing Updates*

The Board of Appeals’ staff currently has no vacant or lapsed positions. The five-member Board of Appeals itself is short one Board member right now, due to the unexpected passing of Mr. Goldensohn. The Council has advertised this vacancy, which closed on April 8. An appointment is expected sometime in May.

This packet contains:

1. FY23 Recommended Publication– BOA

Circle Page #

1-4



Board of Appeals

RECOMMENDED FY23 BUDGET

\$599,809

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 recommended FY23 Operating Budget for the Board of Appeals is \$599,809, an increase of \$17,289 or 2.97 percent from the FY22 Approved Budget of \$582,520. Personnel Costs comprise 93.95 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 6.05 percent of the FY23 budget.

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 Recommended Budget and funding for comparable service levels in FY24.

Measure	Actual FY20	Actual FY21	Estimated FY22	Target FY23	Target FY24
Program Measures					
Number of Administrative Appeals decided	7	6	6	6	6

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

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

² 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.

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

⁴ Outyear projections are based on YTD FY22 filings.

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

⁶ 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	Recommended FY23	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	428,060	441,385	450,046	454,250	2.9 %
Employee Benefits	100,160	104,898	104,336	109,269	4.2 %
County General Fund Personnel Costs	528,220	546,283	554,382	563,519	3.2 %
Operating Expenses	22,325	36,237	23,617	36,290	0.2 %

BUDGET SUMMARY

	Actual FY21	Budget FY22	Estimate FY22	Recommended FY23	%Chg Bud/Rec
County General Fund Expenditures	550,545	582,520	577,999	599,809	3.0 %
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	179,251	158,064	158,064	158,064	—
Other Charges/Fees	6,490	0	0	0	—
County General Fund Revenues	185,741	158,064	158,064	158,064	—
GRANT FUND - MCG					
EXPENDITURES					
Salaries and Wages	1,893	0	0	0	—
Employee Benefits	0	0	0	0	—
Grant Fund - MCG Personnel Costs	1,893	0	0	0	—
Grant Fund - MCG Expenditures	1,893	0	0	0	—
PERSONNEL					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
FTEs	0.00	0.00	0.00	0.00	—
REVENUES					
Federal Grants	1,893	0	0	0	—
Grant Fund - MCG Revenues	1,893	0	0	0	—
DEPARTMENT TOTALS					
Total Expenditures	552,438	582,520	577,999	599,809	3.0 %
Total Full-Time Positions	3	3	3	3	—
Total Part-Time Positions	0	0	0	0	—
Total FTEs	3.50	3.50	3.50	3.50	—
Total Revenues	187,634	158,064	158,064	158,064	—

FY23 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY22 ORIGINAL APPROPRIATION	582,520	3.50
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Annualization of FY22 Compensation Increases	8,786	0.00
Increase Cost: FY23 Compensation Adjustment	7,346	0.00

FY23 RECOMMENDED CHANGES

	Expenditures	FTEs
Increase Cost: Retirement Adjustment	1,104	0.00
Increase Cost: Printing and Mail Adjustment	53	0.00
FY23 RECOMMENDED	599,809	3.50

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY23	FY24	FY25	FY26	FY27	FY28
COUNTY GENERAL FUND						
EXPENDITURES						
FY23 Recommended	600	600	600	600	600	600
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	15	15	15	15	15
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	600	615	615	615	615	615