



Committee: PHED
Committee Review: Completed
Staff: Naeem M. Mia, Legislative Analyst
Purpose: To make preliminary decisions – straw vote expected
Keywords: #BOA

AGENDA ITEM #16
 May 12, 2021
Worksession

SUBJECT

Board of Appeals (BOA) FY22 Operating Budget

EXPECTED ATTENDEES

None

FY22 COUNTY EXECUTIVE RECOMMENDATION

Board of Appeals	FY21 Approved	FY22 CE Recommended	Change from FY21 Approved
General Fund	\$ 558,845	\$ 582,250	4.2%
Personnel Costs	\$ 522,606 3.50 FTEs	\$ 546,283 3.50 FTEs	4.5% 0.0 FTEs
Operating Costs	\$ 36,239	\$ 36,237	0.0%
Total Expenditures (All Funds)	\$ 558,845 3.50 FTEs	\$ 582,250 3.50 FTEs	4.2% 0.0%

COMMITTEE RECOMMENDATIONS

- Committee recommends approval as submitted by the County Executive.

This report contains:

Staff Report

Pages 1-5

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov



FY22 Operating Budget: Committee Consent Calendar

PHED Committee #8c

April 22, 2021

Department/Office: Board of Appeals (BOA)

Staff: Naeem Mia, Legislative Analyst

1. Staff Recommendation

Council staff recommends approval of the FY22 Board of Appeals budget as submitted by the County Executive.

2. Summary of FY22 Recommended Budget

The County Executive's complete FY22 Recommended Operating Budget for BOA is attached at ©1-4.

Board of Appeals	FY21 Approved	FY22 CE Recommended	Change from FY21 Approved
General Fund	\$ 558,845	\$ 582,250	4.2%
Personnel Costs	\$ 522,606 3.50 FTEs	\$ 546,283 3.50 FTEs	4.5% 0.0 FTEs
Operating Costs	\$ 36,239	\$ 36,237	0.0%
Total Expenditures (All Funds)	\$ 558,845 3.50 FTEs	\$ 582,250 3.50 FTEs	4.2% 0.0%

3. Summary of FY22 Recommended Changes/Adjustments

General Fund - No Service Impact

- An increase of \$22,819 for FY21 and FY22 compensation and benefit adjustments.
- An increase of \$858 for retirement adjustments.



Board of Appeals

RECOMMENDED FY22 BUDGET

\$582,520

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 FY22 Operating Budget for the Board of Appeals is \$582,520, an increase of \$23,675 or 4.24 percent from the FY21 Approved Budget of \$558,845. Personnel Costs comprise 93.78 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 6.22 percent of the FY22 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 Philip Weeda of the Office of Management and Budget at 240.777.2780 for more information regarding this department's operating budget.

PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable). The FY21 estimates reflect funding based on the FY21 Approved Budget. The FY22 and FY23 figures are performance targets based on the FY22 Recommended Budget and funding for comparable service levels in FY23.

Measure	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Program Measures					
Number of Administrative Appeals decided	10	7	7	7	7

Measure	Actual	Actual	Estimated	Target	Target
	FY19	FY20	FY21	FY22	FY23
Average days to issue written Administrative Appeals decisions (within 45 days of close of record unless extended) ¹	23	12	12	12	12
Number of Variances decided	41	31	31	31	31
Average days to issue Variance decision (within 30 days of close of record unless extended) ²	10	13	13	13	13
Number of Conditional Use cases decided	1	2	2	2	2
Average days to issue Conditional Use decision (must issue within 30 days of voting on the matter unless extended)	15	16	16	16	16
Number of Circuit Court appeals processed	4	1	1	1	1
Number of Administrative Actions taken ³	130	101	101	101	101

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

² Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 days of close of record.

³ 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 FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	423,152	417,896	428,875	441,385	5.6 %
Employee Benefits	102,015	104,710	102,114	104,898	0.2 %
County General Fund Personnel Costs	525,167	522,606	530,989	546,283	4.5 %
Operating Expenses	22,547	36,239	23,113	36,237	—
County General Fund Expenditures	547,714	558,845	554,102	582,520	4.2 %
PERSONNEL					
Full-Time	3	3	3	3	—
Part-Time	0	0	0	0	—

BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
FTEs	3.50	3.50	3.50	3.50	—
REVENUES					
Board of Appeals Fees	128,984	164,413	158,064	158,064	-3.9 %
Other Charges/Fees	4,950	0	0	0	—
County General Fund Revenues	133,934	164,413	158,064	158,064	-3.9 %

FY22 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY21 ORIGINAL APPROPRIATION	558,845	3.50
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY21 Compensation Adjustment	12,316	0.00
Increase Cost: Annualization of FY21 Personnel Costs	5,570	0.00
Increase Cost: FY22 Compensation Adjustment	4,933	0.00
Increase Cost: Retirement Adjustment	858	0.00
Decrease Cost: Print and Mail Adjustment	(2)	0.00
FY22 RECOMMENDED	582,520	3.50

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY22	FY23	FY24	FY25	FY26	FY27
COUNTY GENERAL FUND						
EXPENDITURES						
FY22 Recommended	583	583	583	583	583	583
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	9	9	9	9	9
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	583	592	592	592	592	592

THIS PAGE INTENTIONALLY LEFT BLANK