



STAFF REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley
From: Sally Nash, Director of Planning and Zoning
Date: June 9, 2021
Subject: O-22-21, Administrative Hearing Officer by Contract Established

The purpose of this ordinance is to establish the position of Administrative Hearing Officer. The City Council would delegate approval authority for major projects in the Department of Planning and Zoning to this contractual position. This would include approvals for issues such as variances, special exceptions, planned developments, and major site design plan review. Currently, this approval authority is designated to either the Planning Commission or the Board of Appeals.

The ordinance describes the new position and required qualifications, including good standing with the Maryland Bar Association. The table below shows how approval authority would shift.

Project Type	Current Approval Authority	Proposed Approval Authority
Variances	Board of Appeals	Administrative Hearing Officer
Special Exceptions	Board of Appeals	Administrative Hearing Officer
Changes to a Nonconforming Use	Board of Appeals	Administrative Hearing Officer
Zoning District Boundary Adjustments	Board of Appeals	Administrative Hearing Officer
Planned Developments	Planning Commission	Administrative Hearing Officer
Major Site Design Plan Review	Planning Commission	Administrative Hearing Officer

Under this proposed ordinance, an appeal of a decision by the Administrative Hearing Officer would go to the Board of Appeals. The Board of Appeals would continue to hear appeals of administrative decisions made by the Director of Planning and Zoning, including appeals of administrative adjustments, administrative interpretations, approval of demolition permits, and minor site design.

The Planning Commission would continue to have the authority to hold work sessions for development applications and to review and make recommendations on zoning text and map amendments.

Prepared by Sally Nash, Director of Planning and Zoning