



Internal Memorandum

Subject: *Testimony for Council Bill 53-2011 to amend the County Code to require that all appeals to the Board of Appeals be heard on the record*

To: *Lonnie Robbins
Chief Administrative Officer*

From: *Marsha McLaughlin, Director
Department of Planning and Zoning*

Date: *October 3, 2011*

The Department of Planning and Zoning supports adoption of CB53-2011 which proposes to amend the County Code to require that all cases appealed to the Board of Appeals be heard by that Board on the record.

As currently provided for in the County Code, an appeal of a decision made any administrative agency is heard by the Hearing Examiner. If the Hearing Examiner's decision is subsequently appealed to the Board of Appeals, it is heard by that Board de novo (with the exception of appeals dealing with citations issued by the Department of Planning and Zoning which are heard by the Board of Appeals on the record).

The proposed Code amendment will lend consistency with respect to the processing of appeal cases. In addition, it will ensure a more expeditious review and resolution of appeals in that much of the repetition associated with a de novo hearing will be eliminated.

While the proposed amendment will produce no direct fiscal impact, the reduction or elimination of duplicated effort will translate to significant time saved by County staff, the Board and by all persons who are party to the appeal.

CH/ch/denovotestimonymemo.doc

cc: Jennifer Sager, Legislative Coordinator
Kimberley Flowers, Deputy Director
Cindy Hamilton, Chief, Division of Public Service and Zoning Administration