

May 17, 2016

Mr. Devin Leary
Human & Rohde, Inc.
512 Virginia Avenue
Towson, Maryland 21286

BGE Training Facility
Forest Conservation Variance
Tracking #06-16-2215

Dear Mr. Leary:

A request for a special variance from Baltimore County's Forest Conservation Law was received by this Department on April 29, 2016. The request proposes to impact 363 square feet of the existing forest conservation easement for drainage improvements associated with a new walkway and storage building outside the forest conservation easement.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116 (d) and (e) that shall be used to evaluate the variance request. One of the three criteria under Subsection 33-6-116 (d) must be met, and all three of the criteria under Subsection 33-6-116 (e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his/her property. The walkway is necessary to safely connect a new lower parking area up the hill to the existing building. The drainage improvement will direct water around the proposed walkway and building. Therefore, denying this variance request would deprive the applicant of a reasonable use of the property; thus, this criterion is met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The variance request arises from the easement location, existing site uses, and site constraints. The use of the training facility, in a neighborhood of single family homes and industrial development, is unique to the site and not the general conditions of the neighborhood. Therefore, this criterion is met.

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The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Safe egress to and from the building to the lower parking lot will not alter the essential character of the neighborhood. Therefore, the proposal is compatible with the neighborhood, and thus this criterion is met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. Sediment and erosion control measures will be used, and the drainage improvements will also help prevent erosion. This will protect against adverse impacts to water quality. Therefore, this criterion is met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not yet taken any action necessitating this variance request. Therefore, this criterion is met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. With mitigation, minor impacts to the edge of the forest conservation easement for drainage improvements will be consistent. Therefore, this criterion is met.

Based upon our review, this Department finds that the required variance criteria have been met. Therefore, the variance request is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code contingent with the following conditions:

1. Add the following note to all plans for this project: "A Forest Conservation Special Variance was approved by the Baltimore County Department of Environmental Protection and Sustainability to allow impact to the forest conservation easement.
2. A fee-in-lieu of \$181.50 shall be paid as mitigation for impacts to the forest conservation easement.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the appropriate party(ies) sign the statement on the next page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/rae

BGE Training Facility FCVA 5.16.16.doc/FCVA/RAE/sheir

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

BGE Representative's Signature

Date

Printed Name