

June 12, 2014

Mr. Dan Schindler
Baltimore County Property Management
12200 Long Green Pike
Glen Arm, Maryland 21057

Re: Baltimore County Animal Control Services Center
Forest Conservation Variance
Tracking # 03-14-1814

Dear Mr. Schindler:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on January 16, 2014. This request proposes to base afforestation calculations on the 4.6 acre limits of disturbance rather than the entire 13.6 acre site and to remove three (3) specimen trees for the construction of a new animal services building, new parking, new driveway, two outdoor dog runs, and a public dog park.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the 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 (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) 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 the petitioner show 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 beneficial use of his property. The applicant is seeking to improve the existing County animal services building and provide additional public services with the dog park and dog run. No disturbance of existing forest is proposed, however, redevelopment could not occur without impacting the critical root zone and/or removal of the specimen trees. Full application of the law to the entire property would not result in unwarranted hardship to the applicant, and we find that this criterion has not been 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

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conditions of the neighborhood. The site contains three specimen trees near the front of the site. The trees are proposed for removal because their location close to the buildings to be removed presents a practical difficulty in redeveloping the site. No clearing of the existing forest is proposed. The neighborhood is already developed and therefore the circumstances here are unique and not related to the conditions of the neighborhood. Therefore, we find the second criterion has been met.

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. The property is surrounded by residential development and is currently used as an animal services building. The proposal to remove three specimen trees and to base afforestation on the limits of disturbance as part of the proposed development of the site will not change the character of the neighborhood. Therefore, we find that this criterion has been 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. The new construction will meet all stormwater management requirements as well as sediment and erosion control techniques during and after construction. The specimen trees proposed for removal are not within or adjacent to any streams, wetlands or forest buffers. No forest is proposed for removal. Therefore, we find that granting of the special variance will not adversely affect water quality, and that this criterion has been 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 removed the specimen trees or cleared any forest. Therefore, this criterion has been 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. The specimen trees are not within any existing forest. Mitigation in the form of a fee-in-lieu for specimen tree removal will be required. Reducing the afforestation obligation based on limit of disturbance for the improvements to an existing developed site would be consistent with the spirit and intent of the Forest Conservation Law. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required 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:

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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 the removal of three specimen trees. Mitigation was accomplished through the payment of a fee-in-lieu."
2. A fee-in-lieu of \$2,667.25 will be required for specimen tree removal prior to the approval of any permits.

This variance approval does not exempt future redevelopment of this site from complying with Baltimore County's Forest Conservation Law.

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 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.

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

Sincerely yours,

Vincent J. Gardina
Director

VJG/rae

C: Andrea Lake, KCI
Bill Sherd, Property Management

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

Property Manager's Signature Date

Property Manager's Printed Name