

July 1, 2014

Mr. Charles Merritt  
Merritt Development Consultants, Inc.  
9831 Magledt Rd.  
Baltimore MD 21234

Re: Blackmon Property  
9832 Magledt Rd., 21234  
Forest Buffer Variance  
Tracking No. 05-14-1754

Dear Mr. Merritt:

This Department has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains for reduction of the 35-foot principal structure forest buffer setback for construction of a dwelling on proposed lot 3 in the above referenced minor subdivision. A forest buffer setback limit defined by 20-feet measured off the southern side of the dwelling, and 26-feet off the southwestern corner of the dwelling perpendicular to the forest buffer easement limit is proposed. The applicant proposes installation of a permanent fence to mark the forest buffer easement limits in the areas of the setback reductions.

This Department has reviewed your request, and has determined that a practical difficulty and unreasonable hardship exists in that the building options on lot 3 are constrained by the location of the existing storm drain that bisects the lot, the required forest buffer, and the principal structure setback measured outside the buffer limits. In addition, the proposed layout results in no direct forest buffer impacts. Therefore, this Department finds that the potential for impacts to water quality and aquatic resources as a result of this proposal have been minimized.

Based on this review, the development of this property with the proposed impacts to the principal structure forest buffer setback meets the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On July 1, 2014, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains for impacts to the principal structure forest buffer setback for the dwelling in this project located on Lot 3. Conditions were placed on this variance to minimize water quality impacts.”

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2. The proposed construction of a permanent fence on the forest buffer easement limits in area of the principal structure setback encroachment is accepted for mitigation. The permanent fence must be installed prior to minor subdivision approval, or a security based on the 110% of the estimated cost of fence installation must be submitted to Baltimore County with an Environmental Agreement prior to minor subdivision approval. Cost estimates must be approved by this Department. Details of this mitigation must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to minor subdivision approval.
3. Surveyed limits of the forest buffer/conservation easements shall be clearly marked in the field at predetermined intervals with permanent below grade markers to facilitate identification of easement limits by the property owner and Baltimore County staff. "Forest Buffer-Do Not Disturb" signs shall be installed as witness posts near each rebar location. Additionally, the locations of the rebar, and the outer easement limits, shall be submitted digitally to Baltimore County Department of Environmental Protection and Sustainability in a format that can be incorporated into a GIS layer for future County use. This note, the sign/monument specifications, and the locations of these signs and markers shall be shown on the final FBPP.
4. "Orange high visibility fence shall be manually installed along the limits of disturbance where that limit is within 50 feet of the forest buffer/conservation easements. This shall be completed and the location of the fence approved by Baltimore County Department of Environmental Protection and Sustainability prior to any permit approvals. If any problems arise regarding the fence location, unnecessary equipment clearing, etc., no permit will be issued until the required corrections are completed to the satisfaction of EPS." This note must be placed on all plans for this project.
5. The forest buffer easements and forest conservation easements must be recorded with the appropriate declaration of protective covenants in Baltimore County Land Records prior to minor subdivision approval.

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

Please have the property owner sign the statement at the end of this letter, and return the signed original 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 Paul Dennis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director

VJG: pad

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, And Floodplains:

_____ Property Owner/Developer	_____ Date	_____ Property Owner/Developer	_____ Date
_____ Printed Name		_____ Printed Name	