



KEVIN KAMENETZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

December 28, 2015

Mr. Joseph d'Entremont
Lenox Laser
12530 Manor Rd.
Glen Arm MD 21057

Re: 12530 Manor Rd., Glen Arm 21057
Forest Conservation Variance
Tracking # 03-15-2125

Dear Mr. D'Entremont:

A request for a variance from Baltimore County's Forest Conservation Law was received by the Department of Environmental Protection and Sustainability (EPS) on December 13, 2015. The request proposes to base the forest conservation requirements for the referenced project on the 8,186 square foot limits of disturbance rather than the entire 5.8-acre site. The proposed redevelopment project involves the construction of 3 additions and a second level to the existing structure. The construction is over existing impervious areas. There is no forest on-site, and there are no priority planting areas on the property. No specimen trees are proposed to be impacted for the proposed construction.

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 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 property. The applicant proposes to construct additions and a second level on the existing commercial structure over existing impervious areas to maintain and improve the business. The structure existed prior to the forest conservation law, but now requires improvements to meet current standards in the industry. Application of the law to the entire property would not result in unwarranted hardship to the applicant as a beneficial use of the property would remain. Therefore, denying this variance request would not deprive the applicant of a reasonable use of the property and this criterion is not 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 unique conditions concerning required improvements to an existing commercial structure for maintaining and improving the business. The applicant's plight is due to the

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unique circumstances associated with the business and the existing location of the structure, and not from general conditions of the neighborhood. Therefore, this criterion is 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. This property is located adjacent to single family dwellings to the north, south, and west, and agricultural use properties to the east. The area of the proposed construction is in the same location as the existing commercial building. There will be no change in the site uses as a result of the redevelopment. Therefore, the proposed uses would be compatible with the neighborhood, and 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. The redevelopment is proposed at the same location as the existing building, and has been limited to 8,186 square feet including the existing structure footprint. There are no wetlands, streams, floodplains, or forest buffers on the site, and there will be no impacts to forest or specimen trees. Therefore, granting of the special variance will not adversely affect water quality and 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, which is the result of actions taken by the petitioner. The petitioner has not taken any actions on the site that have required 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. Allowing the forest conservation requirements to be based on the limits of disturbance to construct additions and a second level on the existing structure at the same location would be consistent with the spirit and intent of the Forest Conservation Law. This redevelopment is minor in scope, and will result in no adverse impacts to water quality, and no impacts to forest or specimen trees. Therefore, this criterion is met.

Based upon our review, this Department finds that the required variance criteria have been met. Furthermore, the associated forest conservation worksheet reveals that the 0.2-acre limit of disturbance does not result in an afforestation requirement, as the worksheet figures are rounded to the nearest tenth acre. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. A note must be shown on all plans stating: "A forest conservation variance was granted by the Baltimore County Department of Environmental Protection and Sustainability on December 28, 2015 to allow the forest conservation requirements for this project to be based on the limit of disturbance rather than the entire site acreage. Conditions were placed on this approval to ensure the project met the goals and objectives of the Forest Conservation Law."

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2. This variance is for this activity only and does not exempt future development at this site from the Baltimore County 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 have the property owner sign the statement at the end of this letter 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 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 Forest Conservation Law.

Property Owner(s) Signature(s)

Date

Printed Name(s)