

January 7, 2016

Mr. Devin Leary
Human & Rohde, Inc.
516 Virginia Avenue
Towson, MD 21286

RE: Hereford Library
Forest Conservation Variance Request
Tracking # 03-16-2135

Dear Mr. Leary:

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 7, 2016. This request would allow the forest conservation worksheet to be based on the 2,800 square foot limit of disturbance (LOD) rather than the entire 1.9-acre property to construct a fire suppression system onto the library building.

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 all beneficial use of his property. The applicant is seeking to construct a small addition to an existing library. However, basing the afforestation requirement on the full site rather than just the LOD does not deprive the petitioner of all beneficial use of the property. Consequently, 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 their plight is due to unique circumstances and not the general conditions of the neighborhood. The need for the variance arises from the petitioner's request for relief from the full afforestation requirement rather than 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 proposed development activity is consistent with the current use of the property. Therefore, we find

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that granting the requested variance will not alter the essential character of the neighborhood; thus, 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. No streams, wetlands or floodplains exist on or within 200 feet of the site. 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 taken any actions that would necessitate this variance prior to requesting it. 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. No forest or specimen trees would be impacted by the small construction project. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code, with the understanding that this approval does not exempt future development activity at this property from complying with Baltimore County's Forest Conservation Law. There will be no afforestation required as a result of the less than 0.1-acre LOD for the small addition given that forest conservation calculations are rounded to the tenth acre.

It is the intent of this Department to approve this variance as stipulated above. Any changes to site layout may require submittal of revised plans and a new variance request.

If there are any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely,

Vincent J. Gardina
Director

VJG/ges

c. Daniel Schindler, Baltimore County Property Management