

January 28, 2016

Mr. Patrick Richardson
Richardson Engineering LLC
30 E. Padonia Rd. Suite 500
Timonium MD 21093

Re: Loch Raven Presbyterian Church
9318 Old Harford Rd. 21234
Forest Conservation Variance
Tracking # 03-16-2139

Dear Mr. Richardson:

A request for a variance from Baltimore County's Forest Conservation Law was received by the Department of Environmental Protection and Sustainability (EPS) on January 12, 2016. The request proposes to base the forest conservation requirements for the referenced project on the 0.5-acre limits of disturbance rather than the entire 4.3-acre site. The proposed development project involves the construction of an addition to an existing church. 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. While the applicant proposes an addition required to meet the goals of the existing church, 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 a unique situation concerning the most viable location to construct the church addition when considering existing church uses and site constraints. The applicant's plight is due to the unique circumstances associated with the church, the existing site uses, and the proposed site uses to meet church expansion goals, and not from general conditions of the neighborhood. Therefore, this criterion is met.

Mr. Patrick Richardson
Loch Raven Presbyterian Church
9318 Old Harford Rd. 21234
Forest Conservation Variance
Tracking # 03-16-2139
January 28, 2016
Page 2

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 east, and an apartment complex to the north, south and west. The area of the proposed construction is directly adjacent to the existing church 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. There are no wetlands, streams, floodplains, or forest buffers on the site, and there will be no impacts to forest or specimen trees. A stormwater management facility is being installed for this project. 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. No actions have been taken by the petitioner that 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 afforestation obligation to be based on the limit of disturbance for the addition to an existing church would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest or adverse impacts to water quality would result from the proposed development. Therefore, this criterion is met.

Based on our review, this Department finds that 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 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 January 22, 2016 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."
2. The 0.1-acre afforestation requirement for this project shall be met by paying a \$2,178.00 fee-in-lieu to the Baltimore County Forest Conservation Fund, or by purchasing credit at an EPS-approved forest planting bank (if available). A bank authorization letter is enclosed for your use. Prior to issuance of any permits, the fee shall be paid to EPS, or the signed bank letter shall be returned to EPS indicating that retention bank credit has been purchased.
3. A forest conservation plan (FCP) must be submitted, and approved by EPS prior to issuance of any permits. The existing grading plan may be used as a base plan for the FCP provided

Mr. Patrick Richardson
Loch Raven Presbyterian Church
9318 Old Harford Rd. 21234
Forest Conservation Variance
Tracking # 03-16-2139
January 28, 2016
Page 3

that it is also labeled as a Forest Conservation Plan, and a note is added to explain how forest conservation was met for this project. The plan must also contain the approved forest conservation worksheet.

4. 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)