



KEVIN KAMENETZ
County Executive

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

February 24, 2016

Mr. Timothy M. Kotroco
Kotroco, Jacobson & Perry, LLC
305 Washington Avenue, Suite 502
Towson, MD 21204

Re: Port East Property
Forest Conservation Variance
Tracking # 07-16-2133

Dear Mr. Kotroco:

In light of the additional information you provided to me on February 19, 2016, I have reconsidered my variance decision in this case. As you know, 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. Based on our discussion, the petitioner will be deprived of beneficial use of his property and therefore this condition is 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 of the neighborhood. The situation leading to this subdivision proposal is due to unique circumstances and therefore this condition 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. The commercially developed property is surrounded by commercial and warehouse development and fronts a major road. Granting the variance would not

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change the essential 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. No development is proposed at this time and therefore water quality will not be adversely affected.

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. No subdivision has yet occurred, and therefore this condition 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. Given the circumstances, the granting of this variance is consistent with the spirit and intent of the Code.

Based on our review, this Department finds that all required criteria have been met. Therefore, the variance request is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code.

Sincerely yours,



Vincent J. Gardina
Director