

April 21, 2016

Mr. Devin Leary
Human & Rohde, Inc.
512 Virginia Avenue
Towson, Md. 21286

Re: Redeemed Christian Church of God
Forest Conservation Variance
Tracking # 01-16-2180

Dear Mr. Leary:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability (DEPS), Title 6 Forest Conservation was received by this Department for the above referenced site on March 28, 2016. If granted, the variance would allow the removal of one specimen tree in order to development a vacant 4.5-acre predominantly wooded site for a church and associated parking and utilities. The one specimen tree to be removed is a 52-inch diameter at breast height green ash in good condition located within the forest onsite.

The Director of DEPS 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 the property. The applicant requests to remove one specimen tree in order to provide an area for future parking. Given the location of the tree relative to the site entrance, if this variance is not granted, development of functional parking spaces would be significantly limited. Consequently, we find that this criterion has been 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 variance request is due to unique circumstances associated with the location of the specimen tree relative to the buildable portion of the property rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

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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. Granting the variance would allow the development of a church complex consistent with mixed commercial and residential nature 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. Removal of the specimen tree will not impact any stream, wetland, or associated buffer. 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 taken no prior action to create a condition or circumstance necessitating this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of DEPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Although one specimen tree would be removed from the forest to be cleared, 0.7 acres of remaining forest will be placed in a Forest Buffer and Forest Conservation Easement on the property with 0.3 acre of proposed reforestation adjacent to existing forest within that easement. Therefore, we find that this variance would be consistent with the spirit and intent of law and that this criterion has been met.

Based on our review, this Department finds that all required variance 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. No mitigation will be required for removal of this specimen tree given that it is within forest, the proposed clearing of which will be mitigated by onsite reforestation as detailed on a forest conservation plan.
2. The following note ,must appear on the Forest Conservation Plan and all other plans and plats for this project:”

“A variance from the Baltimore County Forest Conservation Law was granted on April 21, 2016 by Baltimore County DEPS to remove one specimen tree. Conditions were placed on this variance to ensure the development activity met the goals and objectives of the Forest Conservation Law.”

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3. Prior to this Department's approval of any permits, a final forest conservation plan acknowledging this variance and detailing the protection of remaining forest must be approved by this Department.

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 a new variance request.

Please have the appropriate Redeemed Christian Church of God representative sign the statement on the following page as the party responsible for meeting the conditions of this variance. He must then 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 call Mr. John Russo at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

- c. Marian Honeczy, Maryland Dept. of Natural Resources
Pastor George Akhigbe, Redeemed Church of God

VJG/jgr

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I/we agree to the above conditions to bring my/our property into compliance with
Baltimore County's Forest Conservation Law.

Redeemed Christian Church of God Representative's Signature

Date

Printed Name