

September 14, 2016

Mr. Tom Miner
Whitney Bailey Cox & Magnani, LLC
300 E. Joppa Road, Suite 200
Baltimore, Maryland 21286-3015

Re: Redeemer Christian Church Field & Parking
Forest Conservation Variance –
FC 05-16-2291

Dear Mr. Miner:

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 August 4, 2016, with supplemental information received September 6, 2016. This request proposes to base afforestation calculations on the 1.1 acre limits of disturbance rather than the entire 35.5 acre site for two new athletic fields, replacement/regrading of an existing field, and the addition of an entry road and parking. The request for the additional fields has come from the community. The existing field is being impacted by the construction of a roundabout at Harford and Mt. Vista Roads.

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. The applicant is seeking to replace an existing athletic field, the addition of two new athletic fields, and the addition of an entry road and parking. There is no forest impacted by this work. Full application of the law to the entire property would not result in unwarranted hardship to the applicant, and we find that this criterion has not been met.

Mr. Tom Miner
Redeemer Christian Church Field & Parking
September 14, 2016
Page 2

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 site already contains an athletic field which will be impacted by the construction of the new roundabout at Harford and Mt. Vista Roads. The petitioner wants to replace the existing field as well as add two fields and parking. The site is already developed and therefore the circumstances here are unique and not related to the 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 property use will not change. The church property is surrounded by residential development. The proposal to replace the existing field impacted by the roundabout construction and to add two fields and parking will not change the 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. All sediment and erosion control techniques will be met during and after construction. 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 started construction and is seeking all permits and approvals. 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. Allowing the replacement of an athletic field impacted by State road improvements is consistent, as is the additional fields and parking. Therefore, this criterion has been met.

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

This variance approval does not exempt future redevelopment of this site from complying with Baltimore County's Forest Conservation Law. It is the intent of this Department to approve this variance. Any changes to site layout may require submittal of revised plans and an amended variance request.

Mr. Tom Miner
Redeemer Christian Church Field & Parking
September 14, 2016
Page 3

If you have any questions regarding this correspondence, please call Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

Redeemer Field & Pkg FCVA 9.13.16/FCVA/rae/shreir