

September 15, 2016

Mr. John Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Re: Reisterstown Regional Park-Locker Room Addition
Forest Conservation Variance
Tracking # 04-16-2313

Dear Mr. Canoles:

A request for a variance from the Baltimore County Code, Article 33, Title 6, Forest Conservation has been reviewed by this Department of Environmental Protection and Sustainability (EPS). This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the approximately 0.1-acre limit of disturbance rather than the entire 79.8-acre property. The proposed development activity includes constructing a locker room addition onto an existing indoor sports arena.

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 make improvements to a County-controlled recreational center that existed prior to the effective date of the Forest Conservation Law. However, full application of the law to the entire property would not deprive the petitioner of beneficial use of his property, only the cost of complying with the law. Therefore, 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 his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The proposed improvements are due to unique circumstances associated with the size of the proposed locker room addition in relation to

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the much larger property rather than general conditions in 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. Only 0.1 acres of the 79-acre park site would be disturbed, and the scope of the development activity is consistent with its current use; thus it will not alter 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. We have determined that no streams, wetlands, floodplains or forest will be adversely impacted by the proposed improvements. 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 to necessitate this variance prior to its request. 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. Reducing the afforestation obligation based on the limit of disturbance for the improvements to an existing recreational facility would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest or water quality would result from the proposed development. 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 variance approval does not exempt future development activities at this site from compliance with Baltimore County's Forest Conservation Law. Given the small LOD, no afforestation is required for this development activity.

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.

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If you have any questions regarding this correspondence, please call Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/ges

- c. Mr. Ken Mills, CEO, Baltimore County Revenue Authority
Mr. Tim Campbell, Stevenson University