

April 18, 2016

Mr. Rick Richardson
Richardson Engineering, LLC
30 East Padonia Road
Suite 500
Timonium, MD 21093

Re: Roland Run Club, Inc.
Forest Conservation Variance Request
Tracking #02-16-2186

Dear Mr. Richardson:

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 March 30, 2016. This request would allow the afforestation calculations of the forest conservation worksheet required by Section 33-6-111 of the Forest Conservation Law to be based on the 0.1-acre limit of disturbance rather than the entire 7.1-acre Roland Run Club. The proposed development activity includes construction of an additional paddle tennis court on the property.

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 private club 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 applicant of beneficial use of the property, including the proposed paddle tennis court. 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

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conditions of the neighborhood. The proposed improvements are due to unique uses associated with the subject property as described above 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 acre of the 7.1-acre property would be disturbed, and the improvements would be well beyond the view of neighboring properties. Furthermore, the proposed use is consistent with the historic use of the property as a swim and racquet club. Therefore, we find that the scope of the redevelopment project will not alter the essential character of the neighborhood; thus, 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 there are no wetlands, streams or floodplains on or immediately near the subject improvements. Furthermore, no forest would be cleared for the 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 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 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 pool and racquet complex 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 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 no conditions since no afforestation is required based on the 0.1-acre limit of disturbance, and no impacts to forest or specimen trees are proposed. However, all subsequent plans for the project must include a note stating:

A variance to the Baltimore County Forest Conservation Law was granted on April 18, 2016 to allow forest conservation requirements to be based on the limit of disturbance for the proposed paddle tennis court.

