

May 29, 2013

Mr. Matthew Bishop
Morris & Ritchie Associates Inc.
1220-C East Joppa Rd. Suite 505
Baltimore MD 21286

Re: Bob Davidson Ford, 1845 East Joppa Rd. 21234
Forest Conservation Variance
Tracking # 05-13-1625

Dear Mr. Bishop:

A request for a variance from Baltimore County's Forest Conservation Law was received by the Department of Environmental Protection and Sustainability (EPS) on May 1, 2013. This request proposes to base the forest conservation requirements for this project on the 0.1-acre limit of disturbance rather than the entire 7.8-acre commercial property. The proposed redevelopment activity includes constructing a 3,200 square foot addition to the existing automotive dealership showroom with some parking lot improvements.

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 minor improvements to an automobile sales building that existed prior to the effective date of the Forest Conservation Law. These improvements are necessary for the dealership operations. Full application of the law to the entire property would result in unwarranted hardship to the applicant; therefore 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 proposed improvements are due to unique circumstances associated with additional space needs for the automobile dealership 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. The property is bordered by I695 to the south and west, and by commercial uses on all other sides. The site has been used as an automobile dealership for many years. Therefore, the proposed construction will not alter the character of the neighborhood, and this criterion is 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. The project is entirely within existing paved areas, and will not increase impervious surfaces. In addition, there are no wetlands, streams, floodplains, or trees on or immediately near the subject 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 commenced with any construction on the property prior to requesting 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. Basing the forest conservation requirements on the limits of disturbance would be consistent with the spirit and intent of the Forest Conservation Law. The proposed impacts include 0.1-acre of a 7.8-acre site, and all impacts are on existing paved areas. There are no impacts to forest, or single trees for this work. Water quality impacts will be minimal when considering the size and location of the improvements. Therefore, 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. Due to the small limit of disturbance, no afforestation is required for the addition, and parking lot work. Any changes to the limits of disturbance must be reported to EPS for additional review.
2. This variance approval does not exempt future development of this site from complying with the Baltimore County Forest Conservation Law.

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 an amended variance request.

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Please have the property owner sign the statement below and 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. Paul Dennis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/pad

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

Property Owner's Signature

Date

Property Owner's Printed Name

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