

May 9, 2016

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

Re: Burch Property (Claude) at 830 Upper Glencoe Road
Forest Buffer Variance
Tracking # 03-16-2221

Dear Mr. Canoles:

A request for a variance from the Baltimore County Code Article 33. Environmental Protection and Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on April 14, 2016. The variance request proposes to impact 11,160 square feet of area that would be Forest Buffer Easement (FBE) in order to redevelop a 1.4-acre residential lot with a Colonial Gas line right of way bisecting it and a Use III-p tributary to Gunpowder River flowing along its western and southern boundaries. The proposed impacts to FBE would actually total 14,535 square feet and entail razing the existing house, constructing a new house and driveway, upgrading the existing septic system, and providing a reasonable yard to be maintained.

This Department has reviewed your request and has determined that a practical difficulty exists due to the lot's steep topography, the extent of the FBE onsite (almost 90% of the lot would be FBE), the need for a septic system and potable well meeting all regulations, and the fact that this is a proposed redevelopment of a residential lot created well prior to the inception of the law from which the variance is sought. We further find that the potential for impacts to water quality and aquatic resources as a result of this proposal can be adequately minimized by performing mitigative measures onsite.

Therefore, in accordance with Article 33-3-106 of the Baltimore County Code, we will grant the variance to allow the impacts to the buffer specified above with the following conditions:

1. As shown on the attached exhibit, the FBE may be reduced by approximately 14,535 square feet to provide for the new house, driveway, lawn and septic reserve area. This FBE and its Declaration of Protective Covenants shall be recorded in Baltimore County Land Records via the Exhibit A process prior to issuance of a building permit.

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2. The remaining FBE shall be protected as a non-disturbance area and posted with “Forest Buffer-Do Not Disturb” signs. The installed signs shall be inspected and approved by EPS staff prior to issuance of any Baltimore County permit.
3. The spring in the springhouse abutting the existing house shall be adequately protected during razing and reconstruction to prevent sediment delivery to the receiving stream. However, flow from this spring to the stream shall be maintained.
4. A minimum 35-foot setback shall be maintained from the new house to the FBE.
5. A revised plan to accompany the building permit shall be submitted to EPS staff for review and approval via Baltimore County’s Department of Permits, Approvals & Inspections. This permit plan must show and label the reduced FBE, 35-foot principal building setback to the FBE, protective sign locations, and the notes stated in condition #6 below.
6. The following notes shall be on all plans and plats submitted for County approval:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was approved by the Baltimore County Department of Environmental Protection and Sustainability to allow the house reconstruction, and maintenance of lawn, driveway and septic reserve area within the forest buffer area. The Forest Buffer Easement shown hereon is reflective of this variance approval. Conditions were placed on this approval to reduce water quality impacts including installation of protective signage and recordation of the Forest Buffer Easement in Baltimore County Land Records.”

“There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement, except as permitted by Baltimore County Department of Environmental Protection and Sustainability.”

“Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.”

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 party(-ies) responsible for meeting the conditions of this variance sign the statement on the following page 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 this project.

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If you have any questions regarding this correspondence, please contact Mr. John Russo at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/jgr

Attachment

c. (w/attach.) Mr. Lewis Claude Burch, III

I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner's Signature

Date

Owner's Printed Name

Contract Purchaser's Signature

Date

Contract Purchaser's Printed Name