

March 17, 2014

Mr. Vasyl Mytsak
11608 Woodland Drive
Lutherville, MD 21093

Re: Carneyland Property
Forest Buffer Variance
Tracking #05-14-1752

Dear Mr. Mytsak:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department of Environmental Protection and Sustainability (EPS) on January 15, 2014. This request proposes to impact a total of approximately 10,730 square feet of forested Forest Buffer, including at least 3,240 square feet of forested non-tidal wetland to construct two houses and associated yards, storm water management facilities, driveways, and utilities. The resultant buffer to the stream and wetlands would be as narrow as 25 feet with rear yards as small as 20 feet deep. Proposed mitigation for the Forest Buffer impacts consists of reforesting four small buffer areas onsite totaling 2,080 square feet, fencing the reduced Forest Buffer Easement, and purchasing 17,020 square feet of mitigation offsite at an EPS-approved mitigation bank. This mitigation was detailed on the Forest Buffer Protection Plan included with the variance request package. A previous variance request proposing three houses and associated infrastructure on this property was denied by EPS on August 19, 2013 and a subsequent variance request proposing two houses denied on October 15, 2013.

Section 33-3-112 of the Baltimore County Code requires that roads, bridges, trails, storm water management facilities and utilities be permitted in the Forest Buffer only when no physically feasible alternative exists. Additionally, these structures must be located, designed, constructed, and maintained to provide maximum erosion protection, have the least impact on wildlife, aquatic life and their habitats, and maintain hydrologic processes and water quality. The current road and utility design does not reduce these impacts beyond those proposed in the previous request that was disapproved on October 15, 2013. Again, no alternative designs for the sewer connection, driveway, or storm water management facilities that further minimize impacts to water quality were evaluated.

This Department has reviewed your request, and has determined that it demonstrates neither an unreasonable hardship nor practical difficulty sufficient to justify the proposed impacts to water quality. Additionally, we find that the potential for those

Mr. Vasyl Mytsak
Carneyland Property
Forest Buffer Variance Request
March 17, 2014
Page 2

impacts as a result of this proposal has not been adequately minimized and that the proposed measures to offset the impacts are inadequate. Your request based its reduction of impacts on an erroneous Forest Buffer Easement limit rather than the approved limit. Furthermore, a reduction of the minimum 35 foot principle building setback from the Forest Buffer Easement has been reduced from 28 feet on the previous request to 20 feet with the same distances from stream and wetlands to the limit of disturbance. Neither artificially reducing the Forest Buffer nor reducing the setback is an actual reduction of impacts. For these reasons, we hereby deny this variance request and associated alternatives analysis in accordance with Section 33-3-106 of the Baltimore County Code.

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

Sincerely,

Vincent J. Gardina
Director

VJG:jgr