

February 24, 2014

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

Re: Deitz Property, Tax Map 54, Parcel 63
12700 Block Harford Rd., Hydes MD 21082
Forest Buffer Variance
Tracking No. 03-14-1745

Dear Mr. Leskinen:

A request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains for the above referenced property was received by this Department on January 2, 2014. This request proposes 465 square feet of impacts to the 35-foot principal structure forest buffer setback for construction of a dwelling with an integral garage, and 730 square feet of forest buffer impacts for installation of the water line to serve the dwelling. A 20-foot setback measured off the southeastern corner of the principal structure and 24-feet off the southwestern corner of the dwelling is proposed. The applicant proposes installation of a permanent fence to mark the forest buffer easement limits in the areas of the setback reductions.

This Department has reviewed your request, and has determined that a practical difficulty and unreasonable hardship exists in that the building options on this lot are constrained by the location of the septic reserve area, the proposed well location, non-tidal wetlands, the required forest buffer, and principal structure setbacks measured off the buffer limits. The preferred alternative presented by the applicant avoids buffer impacts for construction of the dwelling/garage, and minimizes impacts for the installation of the water line when considering the constraints. The impacts to the principal structure forest buffer setback have also been minimized to the extent possible when considering the site constraints. Therefore, this Department finds that the potential for impacts to water quality and aquatic resources as a result of this proposal have been minimized.

Based on this review, the residential development of this property with the proposed impacts to the forest buffer, and the principal structure forest buffer setback meets the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On February 24, 2014, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains to allow impacts to the forest buffer, and the principal structure forest buffer setback for the dwelling/garage, and water line construction proposed on this property. Conditions were placed on this variance to minimize water quality impacts.”

2. The proposed construction of a permanent fence on the forest buffer easement limits in the areas of the principal structure setback encroachments is accepted for mitigation for the forest buffer setback impacts. Mitigation for the forest buffer impacts associated with the water line must be provided by vegetative stabilization of the installation area with a native groundcover, and by the planting of 4 native trees at least 1-inch caliper in size within the forest buffer. A security based on the 110% of the estimated cost of erecting the fencing, and planting the trees must be submitted to Baltimore County with an Environmental Agreement prior to permit approval. Cost estimates must be approved by this Department. The security for the tree planting/stabilization part of the mitigation can be no less than \$0.25 per square foot (\$182.50). Details of this mitigation must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to any permit approvals for this property.
3. Surveyed limits of the forest buffer easement shall be clearly marked in the field at predetermined intervals with permanent below grade markers to facilitate identification of easement limits by the property owner and Baltimore County staff. “Forest Buffer-Do Not Disturb” signs shall be installed as witness posts near each rebar location. Additionally, the locations of the rebar, and the outer easement limits, shall be submitted digitally to Baltimore County Department of Environmental Protection and Sustainability in a format that can be incorporated into a GIS layer for future County use. This note, the sign/monument specifications, and the locations of these signs and markers shall be shown on the final FBPP.
4. “Orange high visibility fence shall be manually installed along the limits of disturbance, where that limit is within 50 feet of the forest buffer easement. This shall be completed and the location of the fence approved by Baltimore County Department of Environmental Protection & Sustainability (EPS) prior to any permit approvals, or at the time of a preconstruction meeting. If any problems arise regarding the fence location, unnecessary equipment clearing, etc., no permit will be issued until the required corrections are completed to the satisfaction of EPS.” This note must be placed on all plans for this project.
5. The forest buffer easement must be recorded with the appropriate declaration of protective covenants in Baltimore County Land Records prior to any permit approval. Information concerning the exhibit A recordation process will be provided by EPS when the exhibit A has been completed.

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It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original 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 contact 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 Code Article 33. Environmental Protection And Sustainability, Title 3. Protection Of Water Quality, Streams, Wetlands, And Floodplains:

| | | | |
|--------------------------|-------|--------------------------|-------|
| _____ | _____ | _____ | _____ |
| Property Owner/Developer | Date | Property Owner/Developer | Date |
| _____ | _____ | _____ | _____ |
| Printed Name | | Printed Name | |