

May 20, 2013

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

Re: Donnybrook Apartments, Burke Ave. @ Knollwood Rd.
Forest Buffer Variance
Tracking No. 05-13-1627

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains for continued existing uses within the required forest buffer on the above referenced site. This request proposes continued existing uses of 66,325 square feet of forest buffer area for the existing apartment buildings, garages, walkways, lawn areas, and roads. A Use IV unnamed tributary to Herring Run flows north to south near the western property line on-site. There are no non-tidal wetlands, and there are very limited areas where forest may exist along the stream channel when considering adjacent off-site trees. Single trees, including many mature trees, are scattered throughout the property. No tree clearing, or other new disturbances are proposed within the required buffer. The applicant proposes to place non-disturbance signs at the edge of the existing vegetation along the stream.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist. The apartment complex existed with the current uses prior to the forest buffer law. No new impacts to the forest buffer are proposed, and existing vegetation along the stream is to remain undisturbed. The site is highly constrained due to the proximity of the existing buildings, and associated infrastructure to the stream, but vegetation has been allowed to grow along the entire length of the stream, and this has allowed some water quality management. Therefore, the potential for impacts to water quality and aquatic resources as a result of the continued existing uses can be minimized with mitigative measures.

Based on this review, the continued existing uses proposed within the required forest buffer on this property meet 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 May 20, 2013, 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 for the continued existing use of apartment buildings, garages, walkways, lawn areas, and roads located within the required forest buffer on this property. Conditions were placed on this variance to reduce water quality impacts.”

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2. The forest buffer must be recorded as an easement with the appropriate declaration of protective covenants in Baltimore County Land Records prior to any permit approvals.
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 easements 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 forest buffer protection plan (FBPP). The FBPP must be approved, and the signs/monuments installed prior to any permit approvals.
4. The grading and sediment control plans must be reviewed and approved by this office.
5. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above.

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

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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

Date

Printed Name of Property Owner