

June 25, 2013

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

Re: Mendoza, Morra Property
5020 Lolly Lane, Perry Hall
Forest Buffer Variance
Tracking No. 05-13-1647

Dear Mr. Leskinen:

This Department has completed a review of the variance request for the above referenced site. This request proposes impacts to 3,564 square feet of the required forest buffer for the construction of a home with a practical yard. Included with this request is a proposal to reduce the required 35-foot principal structure setback based on the reduced buffer, and the particular lot constraints. Principal structure setbacks of 10 to 17-feet on the south side of the home, 10 to 35-feet on the east side of the home, and 35-feet or greater on the north side are proposed. The access driveway, and required stormwater management facility for this project are the subject of an alternatives analysis review by this Department. Planting native trees and shrubs within areas on-site that are devoid of good vegetative cover is proposed for mitigation. A Use IV stream that flows into Honeygo Run runs east to west on and adjacent to the northern property line. Non-tidal wetlands cover large areas of the property, and the majority of the site is forested.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist. Literal interpretation of the law would not allow development of this property. The site is a parcel of record, and the owners desire to construct a single family dwelling with a practical yard based on minimization of impacts to the required forest buffer. The potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposal 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 June 25, 2013 a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability (EPS) from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. This variance granted impacts to the required forest buffer, and reduction of the required 35-foot principal structure setback for the construction of a home and associated yard. Conditions including a permanent fence, the installation of forest buffer-do not disturb signs, and on-site mitigation plantings were placed on this variance to reduce water quality impacts.”

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2. The proposed mitigation is acceptable with the addition of a permanent fence on the forest buffer limits south and southeast of the home. The mitigation must be detailed on a Forest Buffer Protection Plan (FBPP). This plan shall include details on the temporary orange fence during construction, the permanent fence, the signs and permanent markers (see condition 3), the sequence of installation of these requirements, and all necessary security information. A security equal to no less than 110% of the estimated cost of the permanent fence and no less than \$0.25 per square foot for the planting shall be submitted along with an Environmental Agreement.
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 both homeowners and County staff. Forest Buffer "Do Not Disturb" signs shall be installed as "witness" posts near each rebar/pin location. Additionally, the locations of the rebar/pin, and the outer easement limits, shall be submitted digitally to EPS in a format that can be incorporated into a GIS layer for future County use. Signs and below grade markers shall be installed as outlined on the approved FBPP for this project.
4. The Forest Buffer Easement shall be recorded in Baltimore County Land Records along with the appropriate Declaration of Protective Covenants via the exhibit A process prior to the approval of any permits. This office will provide additional information on this process during review of the FBPP.
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 owners sign the statement on the next page, 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 Resource Management, Title 3. Protection Of Water Quality, Streams, Wetlands, And Floodplains:

Signatures of Property Owners)

Date

Printed Name(s) of Property Owners