

April 25, 2014

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

Re: Muir Property, 2912 Knoll Acres Rd. 21234  
Forest Buffer Variance  
Tracking No. 03-14-1771

Dear Mr. Leskinen:

A request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on February 12, 2014 with additional pertinent information submitted on April 18, 2014. This request proposes reduction of the 35-foot principal structure forest buffer setback for construction of a dwelling on proposed lot 1 in the above referenced minor subdivision. A setback limit defined by 20-feet measured off the northwestern corner of the dwelling, 20-feet off the middle of the western side of the dwelling, and 27-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 required forest buffer, and the principal structure setback measured outside the buffer limits. In addition, this layout results in no direct forest buffer impacts, and the dwellings proposed in this subdivision have been located to minimize impacts to the priority forest on-site. 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 development of this property with the proposed impacts to 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:

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

“On April 25, 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 for impacts to the principal structure forest buffer setback for the dwelling in this project located on Lot 1. 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 area of the principal structure setback encroachment is accepted for mitigation. The permanent fence must be installed prior to permit approval, or a security based on the 110% of the estimated cost of erecting the fencing must be submitted to Baltimore County with an Environmental Agreement prior to permit approval. Cost estimates must be approved by this Department. 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/conservation easements 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/forest conservation easements. 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 easements, and forest conservation easements must be recorded with the appropriate declaration of protective covenants in Baltimore County Land Records prior to minor subdivision approval.

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.

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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	