

October 21, 2016

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

Re: Gemcraft Homes, Inc. Property  
Shanti Lane, Tax Map 82 Parcel 95  
Forest Buffer Variance  
Tracking No. 05-16-2295

Dear Mr. Canoles:

This Department 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 development on the above referenced property. This request proposes 5,643 square feet of impacts to the required forest buffer and the reduction of the 35-foot principal structure forest buffer setback for construction of a dwelling. A 20-foot setback measured off the middle and northwestern front of the dwelling and 17-feet off the northeastern corner of the dwelling is proposed. The applicant proposes reforestation of the forest buffer in the northeastern corner of the site to mitigate for impacts. This Department is also reviewing an alternatives analysis concerning forest buffer impacts for the driveway access and stream crossing proposed for this project.

This Department has reviewed your request and has determined that a practical difficulty and unreasonable hardship exists in that the building options on this property are constrained by the location of the stream, associated 100-year floodplain, and the required forest buffer and setback off the buffer. In an effort to minimize the forest buffer impacts, the applicant has sited the dwelling in the southwestern area of the site where the back of the house and rear yard can be located outside the buffer. 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 single dwelling development of this property with the proposed forest buffer impacts and reduced principal structure setbacks 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 October 21, 2016, 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 forest buffer impacts and reduction of the principal structure forest buffer setback for the development of this property. Conditions were placed on this variance to minimize water quality impacts.”

2. Mitigation for forest buffer impacts will be required at 2:1 (total of 11,286 square feet), and the construction of a permanent fence on the forest buffer easement limits in areas of the principal structure setback reduction must be included. With the 6,443 square feet of on-site mitigation planting in the northeast corner of the site, an additional 4,843 square feet of mitigation is required. Please be advised that additional mitigation requirements for this project are outlined in the alternatives analysis review for the driveway.
3. 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 that includes the planting security (no less than \$0.25 per square foot) prior to permit approval. Any cost estimates must be approved by this Department. Details of the fence and planting mitigation must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to any permit approvals for this property.
4. Surveyed limits of the forest buffer 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.
5. “Orange high visibility fence shall be manually installed along the limits of disturbance, where that limit is within 50 feet of the forest buffer. 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.
6. The forest buffer must be recorded as a “Forest Buffer Easement” with the appropriate declaration of protective covenants in Baltimore County Land Records prior to any permit approval. More information concerning the easement and the recordation process will be provided by EPS when review of the FBPP has been completed.

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7. The 100-year floodplain and any impacts to that floodplain must be approved by the Baltimore County Department of Public Works. Any revisions or issues concerning the floodplain may require a new variance request concerning forest buffer impacts.
8. State and federal approvals for stream and floodplain impacts must be provided prior to any permit approvals.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout or revision of information 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	