

September 18, 2013

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

Re: Yoder Property at 1752 Parsonage Road  
Forest Buffer Variance Request  
Tracking # 03-13-1677

Dear Mr. Leskinen:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by the Department of Environmental Protection and Sustainability (EPS) on August 16, 2013. If granted, the variance would allow continued use of approximately one acre of existing lawn area containing three outbuildings that would be Forest Buffer Easement on a 30.8-acre property proposed for a three lot intrafamily subdivision.

This Department has reviewed this variance request and determined that an unreasonable hardship would result by removing the buildings from the buffer given that their use is longstanding and continuous as well as the fact that they are located in the middle of the buffer rather than at its edge. Consequently, impacts to the Forest Buffer and water quality cannot be avoided without razing the structures and rebuilding them elsewhere onsite, which would clearly be unreasonable given their low degree of impact. Additionally, the yard in the buffer has been maintained as such for years, although some of this area could be converted to functioning buffer without creating a hardship on the owner. Moreover, while we agree that impacts to the buffer are not as significant as new impacts as is typically proposed in variance requests, mitigation greater than 0.5:1 will be required. Finally, given existing fence lines and location of the well to remain relative to the required buffer limit; EPS will allow the functioning buffer limit to be further modified as shown on the enclosed plan. Although the well exists within this buffer area, it may be repaired if necessary contingent upon subsequent vegetative restoration of any disturbed buffer area. However, the FBE shall be surveyed and recorded as currently shown on the right of way plat circulating the County for approval. Consequently, we find that impacts to water quality resulting from this variance can be adequately minimized by onsite mitigation.

Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code with the following conditions:

1. The following note must appear on all plans submitted for this project:  
“A variance was granted on September 18, 2013 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water

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Quality, Streams, Wetlands and Floodplains. Conditions were placed on this variance to reduce water quality impacts including planting and posting of the Forest Buffer Easement.”

2. The buffer impacts must be mitigated by planting native deciduous trees along the limit of functioning forest buffer for approximately 1,000 linear feet as shown on the enclosed plan. Trees shall be a minimum 5 foot high container-grown stock planted on 15 foot centers. The existing fence may be used to delineate the remaining functioning buffer on the east side of the driveway.
3. The entire, outer recorded limit of the Forest Buffer Easement shall be surveyed and posted with permanent at-grade monuments at 150-foot intervals or any angle point in the easement. “Forest Buffer- Do Not Disturb” signs shall be installed at each monument location outside of the continued use area.
4. A final Forest Buffer Protection Plan (FBPP) detailing the planting and posting of the buffer required above must be submitted to EPS and approved.
5. A \$2,100 FBPP security shall be posted via an Environmental Agreement prior to minor subdivision approval.
6. All open buffer area within the living fence shall be left undisturbed to revert back to forest. Moreover, once the current uses cease, the full Forest Buffer Easement shall be enforced by EPS and left undisturbed.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for implementing the conditions of this variance sign the statement on the following page and return a signed copy 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 there are any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely

Vincent J. Gardina  
Director

