

BALTIMORE COUNTY
LAW FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS
VARIANCE APPLICATION INSTRUCTIONS AND INFORMATION

When to Apply for a Variance

If a variance is needed for a proposed project or activity, this variance must be obtained prior to initiating the project or activity. Additionally, all approvals of plans and permits necessary to carry out the project or activity (i.e., Development Plans, minor subdivision plans, grading plans and permits, building permits, etc.) will be withheld by the Environmental Impact Review Section of the Department until the variance is approved. Therefore, it is suggested that you apply for a variance well in advance of when you need approvals of the above plans and permits, to allow time for the variance application to be processed, and in case you need to make revisions if the variance is disapproved.

Verification of Existing Site Conditions and Forest Buffer Delineations

Delays in processing your variance request may occur if existing site conditions or the Forest Buffer required under Section 33-3-111 of the laws are found to be delineated incorrectly on the site plan submitted with your application. In order to avoid these time delays, it is recommended that you submit wetland and stream delineations, steep slope analyses, and Forest Buffer delineations to the Environmental Impact Review Section of the Department for review and verification prior to applying for a variance.

When to Submit an Alternatives Analysis

All applications for a variance under Section 33-3-106 of the law must include an alternatives analysis for proposed Forest Buffer impacts. In accordance with Section 33-3-106(b), an alternatives analysis must clearly demonstrate that no other feasible alternative exists and that minimal impacts will occur as a result of the proposed project, activity, or development. For all new projects, this analysis must be completed, reviewed and approved prior to approval of your variance request.

Authority and Baltimore County Code Requirements

The following sections of the Baltimore County Code specify conditions under which variances to the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains may be granted; and outline the authority with which the Department may place conditions on the variance, and require information necessary to properly evaluate the variance request.

Section 33-3-106. Variances.

(a) *Authority to grant.* The Director of the Department of Environmental Protection and Sustainability may grant a variance:

- (1) For those projects or activities where strict compliance with the requirements of this title would result in practical difficulty or unreasonable hardship;
- (2) For those public improvement projects or activities where no feasible alternative is available;
- (3) For the repair and maintenance of public improvements where avoidance and minimization of adverse impacts to nontidal wetlands and associated aquatic ecosystems have been addressed; or
- (4) For those developments that have had stream buffers/forest buffers applied in conformance with the requirements outlined in the County Water Quality Management Policy (February 1, 1986) or the County Executive Order for the Protection of Water Quality, Streams, Wetlands and Floodplains (June 4, 1989) and for which the potential for water quality and aquatic resource degradation is minimal.

(b) *Application.*

- (1) The applicant shall submit a written request for a variance to the Director of the Department.
- (2) The application shall include specific reasons justifying the variance and any other information necessary to evaluate the proposed variance request.
- (3) The Department may require an alternatives analysis that clearly demonstrates that no other feasible alternative exists and that minimal impacts will occur as a result of the proposed project, activity, or development.

(c) *Conditions.* In granting a request for a variance, the Director of the Department may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and riverine floodplains.

General Instructions and Processing

1. It is strongly recommended that you read and understand the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code) prior to applying to a variance to this law.

2. In order to apply for a variance to the above law, you must fill out the attached application form.
 - a. Please be sure to answer all questions completely. If a question or portion of a question is not applicable, please indicate this to be the case by placing “N/A” in the blank provided for the question.
 - b. Please print or type your application.

Incomplete or illegible applications will not be processed.

3. Mail or return the completed application form to:

Patricia M. Farr
Environmental Impact Review Section
Department of Environmental Protection and
Sustainability
111 W. Chesapeake Ave, Room 319
Towson, Maryland 21204

4. After a cursory office review of your application, the Environmental Impact Review Section of the Department will mail you a letter indicating whether your application has been filled out completely, or whether additional information will be needed in order to properly evaluate the application. If additional information is requested, you must submit this information before your application will be processed.

If a field visit reveals that streams, wetlands, the Forest Buffer, etc. have not been accurately shown on the plan submitted with your application you will be required to correct this information before processing of your application will be resumed.

5. Processing times of applications may vary, depending upon the complexity of the variance request and the number of applications being processed at any given time.
6. Once your application has been processed, you will receive a letter from the Department indicating whether your variance request has been approved, approved with conditions, or disapproved.
7. If you have questions about how to fill out the application, or wish to obtain a copy of the laws, please contact the Environmental Impact Review Section at (410) 887-3980.
8. Important: If your property is located within the Chesapeake Bay Critical Area, please do not fill out the attached application. Contact the Environmental Impact Review Section at (410) 887-3980 for more information.

What to Submit With Your Application

The following information must be submitted with your variance application in order for the application to be considered complete.

1. Names and addresses of all persons having legal or equitable interest in the property.
2. Photographs of pertinent portions of the site.
3. A two hundred (200) scale 1986 (or more recent) aerial photograph showing the approximate property lines.
4. A one hundred (100) scale or larger plan (Development Plan, minor subdivision plan, plot plan for building permit, etc.) showing the following information:
 - a. A location or vicinity map for the property.
 - b. Property lines.
 - c. Existing structures or facilities including buildings, roads, wells, and sewage disposal systems (include one hundred (100) feet into adjacent properties where possible).
 - d. Existing and proposed contour lines.
 - e. Proposed sewage disposal areas.
 - f. Field delineated, marked and surveyed streams, springs, seeps, bodies of water, and wetlands (include two hundred (200) feet into adjacent properties where possible).
 - g. An accurate representation of the 100-year floodplain.
 - h. Mapped soils from the USDA Natural Resources Conservation Service "Web Soil Survey" (replaces Baltimore County Soil Survey).
 - i. Slopes greater than ten (10) percent for areas adjacent to and within five hundred (500) feet of streams, wetlands, or other waterbodies; slopes greater than twenty-five (25) percent for all other areas.
 - j. Rare, threatened, or endangered species habitat.
 - k. Existing vegetation.
 - l. Location, type and size of proposed stormwater management facilities and outfalls.

- m. Building envelopes.
- n. Existing and proposed utility lines and easements.
- o. Historical and archaeological sites.
- p. The full extent of the Forest Buffer delineated in accordance with Section 33-3-111 of the law.
- q. For variance applications pursuant to Section 33-3-106(a)(4), the stream buffer, wetland buffer, forest buffer easement, etc. previously approved under the Water Quality Management Policy or Executive Order.
- r. Any proposed Forest Buffer (i.e., show where the Forest Buffer would be located if the variance is granted).
- s. Quantification of proposed Forest Buffer to be impacted by resource type (i.e., acreage of forested or emergent wetlands or uplands, linear feet of stream, etc.). Provide a table showing quantities and types of impacts to each resource.
- t. An alternatives analysis required in accordance with Section 33-3-106(b) Provide a plan or plans, and supporting narrative and graphical data* showing all alternatives that were considered which could achieve the purpose and need of the project. The plan or plans drawn to support selection of the most feasible alternative may consist of sketches rather than detailed engineering drawings; unless EPS determines that the type of impact warrants more detailed plans. All alternatives will be evaluated. Baltimore County staff may suggest additional alternatives at this time. **Except for very minor impacts where there are clearly no other feasible alternatives, applications that include only narrative descriptions of alternative layouts (sketch plans are acceptable) that were considered without supporting documentation and plans showing these layouts will be rejected as incomplete.**
- u. A conceptual mitigation plan required in accordance with Section 33-3-106(c). This plan must show the location, types and quantities of proposed mitigation measures, including a table listing the quantity and type of mitigation proposed to offset each type of proposed impact.

Rev. June 24, 2013

BALTIMORE COUNTY FOREST BUFFER VARIANCE APPLICATION

Law for the Protection of Water Quality, Streams, Wetlands and Floodplains

Part A. Applicant Information.

Date: _____

Applicant(s):

Name(s) _____ Phone No. (_____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Property Owner(s):

Name(s) _____ Phone No. (_____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Contract Purchaser(s):

Name(s) _____ Phone No. (_____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Engineer/Other Representative:

Name(s) _____ Phone No. (_____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Part B. Property Information.

Property Address/Location _____

Tax Account Number(s) _____

Subdivision _____

Tax Map _____ Parcel No. _____ Lot No. _____

Acreage/Lot Size _____ Zoning _____ Council District _____

Water: public private Sewer: public private

Part C. Variance Type.

Indicate the specific section(s) of the code from which you are requesting a variance:

Indicate the reason why you are applying for a variance. Please check only one item.

- _____ practical difficulty or hardship
- _____ public improvement project
- _____ repair/maintenance of public improvement
- _____ had stream/forest buffer applied in conformance with Water Quality Management Policy or Executive Order

Part D. Indication of Practical Difficulty or Unreasonable Hardship.

Indicate practical difficulty or unreasonable hardship if this is the reason you applied for a variance.

Part I. Supplemental Information.

Indicate any supplemental information included with the application.

Functional assessment of _____

Alternatives analysis for proposed impacts to _____

A conceptual mitigation plan for proposed impacts to _____

Wetland data sheets

Copies of pertinent State and Federal permits

Other (explain)
