

## **BALTIMORE COUNTY FOREST CONSERVATION LAWS SPECIAL VARIANCE APPLICATION INSTRUCTIONS AND INFORMATION**

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### **When to Apply for a Special Variance**

If a special variance is needed for a proposed project or activity, this variance must be obtained prior to initiating the project or activity. The following is the required time schedule for elements of the Forest Conservation Laws:

1. Forest Stand Delineation - Prior to or with Concept Plan submittal.
2. Preliminary Forest Conservation Plan - Prior to or with Development Plan submittal.
3. Final Forest Conservation Plan - Prior to or with Grading Plan submittal.
4. Minor Subdivision, Limited Exemption, Building Permit, etc.- Forest Stand Delineation and final Forest Conservation Plan must be approved prior to plan approval.

Additionally, all approvals of plans and permits necessary to carry out the project or activity (i.e., Concept Plans, Development Plans, Minor Subdivision Plans, Grading Plans and Permits, Building Permits, etc.) will be withheld by the Environmental Impact Review Section of this Department until the variance is approved. Therefore, it is suggested that you apply for a special 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.

### **Authority and Baltimore County Code Requirements**

Section 33-6-116 of the Baltimore County Code specifies conditions under which special variances may be granted. Specifically, the Director of the Department or his designee may grant a special variance where, owing to the special features of the site which is the subject of the request or as a result of other circumstances, the implementation of the Forest Conservation Laws would result in unwarranted hardship to the applicant.

For a finding of unwarranted hardship, the petitioner must show:

- (1) That the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property;
- (2) That the plight of the petitioner is due to unique circumstances and not the general conditions in the neighborhood; or
- (3) That the special variance requested will not alter the essential character of the neighborhood.

In addition to a finding of unwarranted hardship, the Director must find:

- (1) That the granting of the special variance will not adversely affect water quality;
- (2) That the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner; and
- (3) That the special variance, as granted, would be consistent with the spirit and intent of the Forest Conservation Laws.

### **Verification of Existing Site Conditions**

In order to avoid time delays, it is recommended that you submit forest stand delineations, wetland and stream delineations, and steep slope and erodible soils analyses to the Environmental Impact Review Section for review and approval prior to submitting the application for a special variance. Delays in processing your special variance request may occur if existing site conditions are found to be delineated incorrectly on the site plan submitted with your application.

### **General Instructions and Processing**

1. It is strongly recommended that you read and understand the Forest Conservation Laws (Sections 33-6-101 through 33-6-122 of the Baltimore County Code) prior to applying for a special variance to these laws.
2. In order to apply for special variance to the above laws, 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:

Environmental Impact Review Section  
Department of Environmental Protection and  
Sustainability  
111 W. Chesapeake Ave, Suite 319  
Towson, MD 21204

4. After a cursory office review of your application, Environmental Impact Review staff 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 subsequent field visit reveals that forests, streams, wetlands, 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. Once your application has been processed, you will receive a letter from the Department indicating whether your special variance request has been approved, disapproved, or approved with conditions.
6. 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.
7. 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 special variance application, if applicable, 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. 1 inch = 200 feet scale aerial photograph showing the approximate property lines.
4. 1 inch = 100 feet 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. Mapped soils from the USDA Natural Resources Conservation Service "Web Soil Survey" (replaces Baltimore County Soil Survey).
  - d. Existing vegetation.

- e. Approved Forest Buffer limits, in accordance with Section 33-3-111 of the Baltimore County Code.
- f. An accurate representation of the 100-year floodplain.
- g. Rare, threatened, or endangered species habitat.
- h. Existing and proposed contour lines.
- i. Existing and proposed structures or facilities including buildings, roads, wells, sewage disposal systems (include 100 feet into adjacent properties where possible).
- j. Location, type and size of proposed stormwater management facilities.
- k. Proposed building envelopes.
- l. Existing and proposed utility lines and easements.
- m. Existing and proposed Forest Conservation Areas.

**Note: Supplemental information listed in Part H of this application may be required by the Department on a case by case basis.**

**BALTIMORE COUNTY FOREST CONSERVATION LAW  
SPECIAL VARIANCE APPLICATION**

**Part A. Applicant Information.**

Date: \_\_\_\_\_

Applicant(s):

Name(s) \_\_\_\_\_ Phone No. ( \_\_\_\_\_ ) \_\_\_\_\_

Company \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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Property Owner(s):

Name(s) \_\_\_\_\_ Phone No. ( \_\_\_\_\_ ) \_\_\_\_\_

Company \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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Contract Purchaser(s):

Name(s) \_\_\_\_\_ Phone No. ( \_\_\_\_\_ ) \_\_\_\_\_

Company \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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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:

\_\_\_\_\_  
\_\_\_\_\_

**Part C. Project Description.**

Briefly describe the proposed project or activity.

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**Part H. Supplemental Information.**

Indicate any supplemental information included with the application.

- Forest Stand Delineation
- Forest Conservation Worksheet
- Forest Conservation Plan
- Forest Retention Investigation Report
- Other (explain)

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**Part I. Additional Information.**

Use this space to explain answers to any of the questions on this form in greater detail, or to provide any other information about the site or project pertinent to this special variance request. Attach additional sheets if necessary.

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**Part J. Signatures.**

All persons having legal or equitable interest in the property must sign below. Unsigned applications will be returned to the applicant as incomplete.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of this application are true and correct to the best of my/our knowledge, and that the application contains names and addresses of all persons having legal or equitable interest in the property.

\_\_\_\_\_  
Applicant Signature      Date

\_\_\_\_\_  
Applicant Signature      Date

\_\_\_\_\_  
Property Owner      Date  
Signature

\_\_\_\_\_  
Property Owner      Date  
Signature

\_\_\_\_\_  
Property Owner  
Printed Name

\_\_\_\_\_  
Property Owner  
Printed Name

\_\_\_\_\_  
Contract Purchaser      Date  
Signature

\_\_\_\_\_  
Contract Purchaser      Date  
Signature

\_\_\_\_\_  
Contract Purchaser  
Printed Name

\_\_\_\_\_  
Contract Purchaser  
Printed Name