

September 4, 2018

James Alford  
Stephanie Alford  
10 Longcreek Court  
Kingsville, MD 21087

Re: Alford Property  
10 Longcreek Court  
Forest Buffer Variance  
Tracking # 05-18-2775

Dear Mr. and Mrs. Alford:

Baltimore County Department of Environmental Protection and Sustainability (EPS) received the above referenced request for a variance to the Baltimore County Code, Article 3 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on June 29, 2018. If granted, the variance would allow the continued use of 1,224 square feet of Forest Buffer Easement (FBE) to maintain an existing deck and access path to the deck. The property owner proposes to plant eight 1-inch caliper Maryland native trees and 21 native shrubs in open areas within the FBE and post protective signs to delineate the FBE boundary to mitigate for the water quality impacts associated with the proposed variance.

The 256 square-foot deck was constructed in the FBE over twenty years ago after construction of the existing house. The property owners, Mr. and Mrs. James Alford, recently purchased the property in 2016 and have made no new improvements to the deck. The deck which overlooks a stream was one of the major attractions for the property owners when they decided to purchase the property. Removing the deck to bring their property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains represents an unreasonable hardship for the property owner because they did not construct the deck in the FBE and they were unaware the deck was constructed illegally in the easement until recently. Furthermore, the deck was a major selling point for the purchase of the property. Consequently, this Department finds that an unreasonable hardship exists in fully meeting the Forest Buffer Law.

Impacts to water quality will be minimized since the majority of the FBE will remain a non-disturbance area. The property owners are proposing use of only 1,224 square-feet of the 1.22-acre Forest Buffer Easement for continued use of the deck and an associated access area. The proposed continued use area is located on the outer edge of the FBE and no new easement impacts are associated with the variance proposal. In addition, the property owners propose

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planting eight 1-inch caliper Maryland trees and 21 native shrubs within open areas of the FBE. Also, FBE signs will be posted to delineate the easement limits and the property owners will discontinue all other maintenance activities beyond the proposed continued use area within the FBE.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The property owner shall mitigate for the 1,224 square feet of impact to the forest buffer by planting eight 1-inch caliper Maryland native trees and 21 shrubs in the open areas in the FBE by November 30, 2018.
2. Forest Buffer Easement signs must be posted along the easement boundary closest to the house by November 30, 2018. All areas of the FBE outside the proposed continued use area shall remain non-disturbance areas and be allowed to regenerate naturally.
3. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was granted by the Baltimore County EPS on September 4, 2018. This variance allowed permanent impact to 1,224 square feet of Forest Buffer for the continued use of an existing deck and an access path to the deck. Conditions were placed on this approval to reduce water quality impacts including the planting of Maryland native trees in open areas within the Forest Buffer Easement and the installation of protective signs to delineate the limits of the forest buffer.”

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 meeting 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 this project.

If you have any questions regarding this correspondence, please call Mr. Gris Batchelder at (410) 887-3980.

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Sincerely,

David V. Lykens  
Deputy Director

DVL/cgb

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

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Property Owners

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Date

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Printed Names