

February 2, 2015

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

Re:   MLS Developing Subdivision, Lot 3  
      1927 Hill Ave. 21234  
      Forest Buffer Variance  
      Tracking No. 05-14-1901

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) 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 the above referenced site. This request proposes to impact 991 square feet of the forest buffer and forest conservation easement for the purpose of installing a playground, and widening the side yard. This 1.14-acre property is a lot within the MLS Developing LLC subdivision approved in September of 2011. Forested non-tidal wetlands exists to the north and east of the proposed impact areas, but the proposed impact areas are at least 25-feet outside the non-tidal wetlands. These areas are currently vegetated with herbaceous species only. The property is located within the Minebank Run watershed, a Use I tributary to the Gunpowder River. The applicant proposes installation of a board on board or chain link fence at the outer buffer limits to prevent buffer encroachment. The applicant also proposes to mitigate by planting sparsely vegetated buffer areas with native plants.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist. The lot is highly constrained not only by the forest buffer and forest conservation easement and wetlands, but by steep slopes to the east and southeast, and the storm water level spreader directly behind the dwelling and deck. These constraints result in minimal practical residential yard uses. The proposed impact areas involve no disturbance to the non-tidal wetland or 25-foot non-tidal wetland buffer, or to existing trees. In addition, the impact areas have been minimized when considering the site constraints, and the practical residential uses desired. Therefore, the potential for impacts to water quality and aquatic resources as a result of the proposed development can be minimized by providing mitigation.

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Based on this review, the proposed impacts to the forest buffer meet 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 February 2, 2015, 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 impacts to the forest buffer for a practical residential yard area. Conditions including mitigation for the disturbances were placed on this variance to reduce water quality impacts.”

2. The proposed impacts are also within a forest conservation easement. A forest conservation variance is required. The proposed impacts cannot receive final approval until forest conservation requirements have been met.
3. The Stormwater Management Section of EPS must be consulted concerning the level spreader. The proposed impacts cannot receive final approval until any stormwater management issues have been resolved.
4. Mitigation for the forest buffer impacts shall include the installation of a permanent fence on the approved buffer limit in the area of the impacts, and the planting of native trees and shrubs in forest buffer areas on-site that currently are non-forested. The fence must be a type approved by this Department, and must be erected prior to any proposed yard impacts. Details of all mitigation must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to any work taking place in the forest buffer.
5. Surveyed limits of the Forest Buffer Easement 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. This note, the sign/monument specifications, and the locations of these signs and markers shall be shown on the final FBPP.
6. An Environmental Agreement shall be completed for any required environmental securities.

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

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If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director

VJG: pad

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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:

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Property Owner(s) Signature(s)

Date

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Printed Name(s)