

January 8, 2016

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

Re: JC Bar, Inc. Property (Double-T Diner)
Forest Buffer Variance
Tracking # 05-15-2120

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed review of the above referenced request for a variance to the Baltimore County Code, Article 3 Environmental Protection and Resource Management, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains. If granted, the request would allow 2,115 square feet of forest buffer impacts for grading to allow a level building site. The site currently contains a Double-T Diner, associated parking lots, and three single family dwellings. One of the dwellings is entirely within the forest buffer.

This Department has reviewed your request, and has determined that a practical difficulty exists given the existing site elevations and existing impacts to the forest buffer. All buildings and impervious surface within the forest buffer (1,629 square feet) will be removed. We further acknowledge that the mitigation for forest buffer impacts would reduce the potential for impacts to water quality impacts. Therefore, in accordance with Article 33-3-106 of the Baltimore County Code, we will grant the request with the following conditions:

1. The following note must appear on all plans and plats submitted for this project:
“A variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains on January 8, 2016. This variance approved impacts to the forest buffer. Conditions were placed on the approval to reduce water quality impacts including tree planting. Any change in land use shall nullify this variance.”
2. The Forest Buffer Easement shall be delineated and recorded in the Land Records of Baltimore County along with its Declaration of Protective Covenants.
3. Nine trees shall be planted as mitigation for forest buffer impacts, and shall be detailed in a Forest Buffer Protection Plan (FBPP). The FBPP shall be provided no later than concurrently with the grading plan for the project, and must receive approval by this office prior to grading permit approval.
4. A permanent fence shall be installed along the limit of the forest buffer easement prior to building permit approval.

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5. Prior to grading permit approval, an Environmental Agreement shall be signed, and a Forest Buffer Protection security shall be posted. The security shall be a minimum of \$0.25 per square foot of mitigation area for planting, and 110% of the estimate to erect the permanent fence.
6. Surveyed limits of the forest buffer easements shall be clearly marked in the field at predetermined intervals with permanent below grade markers to facilitate identification of easement limits by both homeowners and Baltimore County staff. "Forest Buffer-Do Not Disturb" signs shall be installed as witness posts near each rebar location. Additionally, the locations of the rebar, and the outer easements limits, shall be submitted digitally to Baltimore County Department of Environmental Protection And Sustainability in a format that can be incorporated into a GIS layer for future County use. The locations of these signs and markers shall be shown on the final forest buffer protection plan. The monuments and signs shall be installed prior to the release of any permits for the site.

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

Please have the property owner sign the statement below 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 Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

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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.

Property Owner' Signature Date

Printed Name

Co-owner's Signature Date

Printed Name