

September 26, 2018

John Canoles  
Eco-Science Professionals, Inc.  
P.O. Box 5006  
Glen Arm, MD 21057

Re: Marvelis Property  
4344 Chapel Road  
Forest Buffer Variance  
Tracking # 05-18-2790

Dear Mr. Canoles:

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 August 14, 2018. If granted, the variance would allow the permanent impact of 908 square feet of forest buffer to allow construction of an addition and a deck to the house at 4344 Chapel Road. The property owner proposes to plant nine 1-inch caliper Maryland native trees within the forest buffer to mitigate for the water quality impacts associated with the proposed variance.

The existing house was constructed in 1953, prior to the implementation of the Forest Buffer Law. There is a large stream which flows from north to south across the entire length of the property and a smaller stream which flows east to west into that stream. Due to the location of these streams, the proposed forest buffer would occupy over 80% of the property and would include almost half of the existing house and all of a large shed. Therefore, full application of the Forest Buffer Law would severely limit the location of the proposed addition and deck and require the property owners to build these structures in a location adjacent to the house that is not practical. Consequently, this Department finds that a practical difficulty exists in fully meeting the Forest Buffer Law.

The property owners propose minimizing their impact on water quality by constructing the proposed addition and deck no closer than 72 feet from the large stream on the property. Also, the property owners will limit their new impact to the forest buffer by constructing a significant portion of the new addition over an existing deck. Furthermore, the owners will plant nine 1-inch caliper Maryland native trees along the stream in the forest buffer in locations shown on the attached plan. Currently, the forest buffer consists of mostly lawn with a few scattered trees. The proposed trees will improve the water quality of the stream by reducing sedimentation and erosion and increasing the uptake of any pollutants associated with storm water run-off. Finally,

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sediment and erosion control structures will be installed prior to construction activities to prevent sediment from entering the stream during the building process.

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 908 square feet of impact to the forest buffer by planting nine 1-inch caliper Maryland native trees in the forest buffer by November 30, 2018, per the attached plan.
2. 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 26, 2018. This variance allowed permanent impact to 908 square feet of forest buffer for the construction of a house addition and deck. Conditions were placed on this approval to reduce water quality impacts including the planting of nine Maryland native trees in open areas within 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.

Sincerely,

David V. Lykens  
Deputy Director

DVL/cgb

Enclosure

cc: William Marvelis  
William Bafitis, Bafitis & Associates, Inc.

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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.

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Property Owners

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Date

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Printed Names