

May 26, 2016

Ms. Ashley Traut
Blue Water Baltimore
3545 Belair Road
Baltimore, MD 21213

Re: St. Pius X Catholic Church Stormwater Retrofit
Forest Conservation Variance
Tracking # 05-16-2239

Dear Ms. Traut:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability (EPS), Title 6 Forest Conservation was received by this Department on May 25, 2016. This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the 0.2 acre (8,314 square feet) limit of disturbance rather than the entire 7.3-acre property. The proposed development activity entails voluntarily constructing a stormwater management facility. This bioretention area would be constructed on existing grassed area to capture and treat currently unmanaged runoff from an existing parking lot. The bioretention area will be planted with native trees and shrubs and not impact any forest or specimen trees.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show 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 beneficial use of his property. The applicant is seeking to provide water quality management of storm runoff from the church property. However, full application of the law to the entire property would not deprive the applicant of all beneficial use of the property given that it is already developed. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general

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conditions of the neighborhood. The variance request arises from unique circumstances associated with the cost of full compliance with the Forest Conservation Law for a voluntary environmental enhancement project rather than general conditions in the neighborhood. Therefore, we find that the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only 0.2 acre of the 7.3-acre property would be disturbed, and the proposed work will be on existing lawn. Consequently, the proposed redevelopment project will not alter the essential character of the neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that the proposed work will not impact any streams, wetlands, floodplains, forest buffers, or forest. Moreover, the project would actually provide water quality management of currently unmanaged storm runoff. Therefore, we find that granting of will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has taken no prior actions necessitating this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation obligation based on limit of disturbance for the proposed improvements would be consistent with the spirit and intent of the Forest Conservation Law given that the site was developed prior to this law, there are no impacts to forest by the proposed development activity that includes planting native trees and shrubs, and the project would actually improve water quality in the watershed. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the above criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code with the understanding that any future development activity on this property will require compliance with the Forest Conservation Law. Due to the net tract area being based on a limit of disturbance less than 0.2 acre, there is no afforestation required for the construction of the bioretention facility.

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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.

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

Sincerely yours,

Vincent J. Gardina
Director

VJG/jgr

c: Mr. Kent Barge, St. Pius X Catholic Church