

Dale Berkheimer  
Dreamscape, LLC  
7708 Spencer Rd  
Glen Burnie, MD 21060

Re: Bryson Wooten Property  
3705 Tulip Ave  
Forest Buffer Variance  
Tracking # 01-24-4187

Dear Dale Berkheimer:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (DEPS) on September 18, 2024. This variance seeks to impact 1,275 square feet (sf) of Forest Buffer for the construction of a pool and surrounding concrete patio and to allow the continued-use of 32,228 sf of the buffer for the maintenance of an existing house and lawn at 3705 Tulip Avenue.

The Forest Buffer area on the property was established in 1991 as part of the Century Avenue Minor Subdivision, in accordance with Section 33-30-111 of the Forest Buffer Law, to protect an unnamed Use-I tributary to the Patapsco River that extends south of this residential property. The buffer encompasses approximately 60% of this 52,707 sf property. The proposed pool will extend closer to the stream than the existing dwelling. However, neighboring properties have additions, pools and outbuildings within the buffer and no trees will be removed for the installation of the pool and patio. Additionally, zoning regulations require the pool to be constructed in the rear yard that is entirely in the Forest Buffer.

This Department has reviewed your request and has determined that a practical difficulty exists given that the existing house was constructed prior to the Forest Buffer Law and the Forest Buffer encompasses the majority of the rear of the property where zoning regulations dictate the pool must be installed. Furthermore, we find that the potential for impacts to water quality as a result of this proposal would be minimized by planting six one-inch caliper, Maryland native tree species within the forest buffer on the property to mitigate for the buffer impacts.

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Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions to further minimize impacts:

1. Mitigation for the 1,275 sf of buffer impacts will be required at 1:1 ratio and satisfied through the planting of six one-inch caliper Maryland native tree species within the forest buffer. These plantings must be completed by March 31, 2025. If the aforementioned plantings have not been completed within this time frame, this matter will be handled as a FBE violation in accordance with Section 33-3-115 et. seq. of the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. Please contact EIR to schedule an inspection once all the plantings are in the ground.
2. There shall be no additional clearing, grading, construction or disturbance of vegetation within the existing Forest Buffer except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.
3. This variance approval pertains solely to the pool permit. Any subsequent impact to the Forest Buffer on this property shall be reviewed on its own merits and shall comply with the regulations in effect at the time, including variance and alternatives analysis requirements per §33-3-106 and §33-3-112(c) of the Forest Buffer Law, respectively.
4. The following notes must appear on all subsequent plans submitted for this project:
  - A variance to the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (Tracking # 01-24-4187) was granted by Baltimore County Environmental Protection and Sustainability to impact 1,275 sf of Forest Buffer for the construction of a pool and patio and the continued-use of 32,228 sf of buffer for maintenance of an existing house and lawn. Any future development or change in use of this property may require full compliance with this law.”

Please have the property owner sign the statement on the following page and return a signed copy of this letter to this Department. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of the permit for this property.

This variance is approved by the Director of the Department of Environmental Protection and Sustainability on \_\_\_\_\_. Any changes to site layout may require submittal of revised plans and a new variance request.

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

Sincerely yours,

Horacio Tablada  
Director

HT/ja

c. David Bryson, Property Owner

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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 Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Printed Name \_\_\_\_\_

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Property Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Printed Name \_\_\_\_\_