

June 17, 2024

Anne & Stewart Chandler  
11921 Falls Road  
Cockeysville, Maryland 21030

Re: Chandler Property (Anne & Stewart)  
11921 Falls Road  
Forest Buffer Variance  
Tracking # 03-24-4119

Dear Anne and Stewart Chandler:

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 March 28, 2024. This variance seeks to forego recordation of a Forest Buffer Easement and its Declaration of Protective Covenants, Conditions and Restrictions in the Land Records of Baltimore County associated with a lot line adjustment intended to incorporate the applicants' long standing macadam driveway and parking pad into their property. The driveway and parking pad are far removed from the Forest Buffer, and no development or construction is proposed as part of this variance request. The property and a 50-foot Stream Buffer were established as part of the two-lot Darney Property Minor Subdivision of 1989; however, this stream buffer was not recorded as an easement. This buffer is kept as a forested area with maintained walking trail adjacent to a first order, Use III-P tributary to Beaverdam Run that is not located on Lot #2. However, the other lot, Lot #1, owned by Enrico and Oriana Scuotto that is involved with the lot line adjustment does contain this stream system and shall be covered by this variance decision, since all properties party to a lot line adjustment must comply with the Forest Buffer Law.

The original 50-foot Stream Buffer, which was created in accordance with the Water Quality Management Policy in effect at the time of the 1989 minor subdivision along with the current 25-foot State Wetland Buffer encompass no more than 3,100 square feet of the far northeast corner of Lot # 2. The Forest Buffer Law is being applied as a result of an approximately 10,000-square foot conveyance via lot line adjustment from original Lot # 1 owned by the Scuottos. The existing macadam to be incorporated is separated from the stream system by the existing dwelling, septic reserve area and wooded stream valley. Neither new construction nor encroachment into the Forest Buffer will occur on either lot as a result of this request.

This Department has reviewed your request and has determined that a practical difficulty exists, in that the structures and uses on the two lots predate the current Forest Buffer Law, and the subdivision creating the two lots previously complied with the 1986 Water Quality Management Policy. Additionally, application of current design standards for Forest Buffers specified in §33-3-111 of the Forest Buffer Law would encumber in excess of 0.25 acre of Lot 2 and approximately 3 acres of the 5.65-acre Lot 1. Furthermore, we acknowledge that the potential for impacts to water quality as a result of this variance request would be adequately minimized given that no development activity or buffer disturbance is proposed.

Therefore, we will grant this request in accordance with §33-3-106(a)(4) of the Baltimore County Code with the following conditions:

1. 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 # 03-24-4119) was granted by Baltimore County Environmental Protection and Sustainability to forego recordation of a Forest Buffer Easement in the Land Records for a lot line adjustment between lots # 1 and 2 of the Darney Property Minor Subdivision to incorporate approximately 10,000 square feet of existing macadam driveway and parking into lot 2. Any future development activity or change in use of these properties will require establishment of the full Forest Buffer Easement required by this law.”
  - “There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
2. This variance approval pertains solely to the lot line adjustment project. Any subsequent development activity, including permit application, may result in establishment of the Forest Buffer Easement on these lots as required in §33-3-110 through §33-3-112 and shall comply with the regulations in effect at the time.

Both lot owners must 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 addition 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 Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Horacio Tablada  
Director

HT/msk

c. Enrico and Oriana Scutto

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We agree to the above conditions to bring our properties into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

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Lot 1 Owners' Signatures Date

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Printed Names

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Lot 2 Owners' Signatures Date

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Printed Names