

July 11, 2024

Robert Brittain  
Frederick Ward Association  
5 South Main Street  
Bel Air, MD 21014

Re: Middle River Middle School  
Forest Buffer Variance  
Tracking #06-24-4131

Dear Robert Brittain:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by the Department of Environmental Protection and Sustainability (EPS) on June 10, 2024. The applicant is seeking to repair and restore existing tennis courts at Middle River Middle School. If granted, the variance would allow impact to 300 square feet (sf) of the forest buffer area, the boundary of which was approved by EIR in 2024.

A small Use-I unnamed tributary to Brian's Run, passes through the 29.6-acre property. The full forest buffer area required by the Forest Buffer Law encompasses a portion of the southwestern portion of the property. A Forest Conservation LOD variance has been granted for this project totaling 1.5-ac. Additionally, approximately 2,094-sf of the forest buffer will be impacted by the construction of stormwater management drainage swales around the tennis courts. These impacts have been addressed in an Alternative Analysis and are discussed under separate cover. No new impervious impacts to the forest buffer are anticipated.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with Section 33-3-111 as described above. Furthermore, impacts to water quality can be adequately minimized, given that no direct impacts to streams or wetlands are proposed.

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

1. High visibility, orange safety fence shall be manually installed along the limit of disturbance wherever the LOD is within 50 feet of any forested area or specimen tree. This fence shall be inspected and approved by DEPS prior to any permit approval for the subject project.
2. This variance approval pertains solely to the tennis court renovations. Any subsequent impact to the Forest Buffer on this property shall be reviewed on its own merits and shall comply with the Forest Buffer regulations in effect at that time.

3. The following notes shall appear on all subsequent plans submitted for this project:

- “A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains (Tracking Number 06-24-4131) was granted by Baltimore County Department of Environmental Protection and Sustainability to allow the impact of 300-sf of Forest Buffer for resurfacing school tennis courts. Conditions were placed on this variance to reduce impacts to water quality including the installation of high visibility safety fencing to protect forest resources.”
- “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.”

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. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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.

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

Sincerely yours,

Horacio Tablada  
Director

HT/ja

cc: Merrill Plait, BCPS

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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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BCPS Signature

Date

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Printed Name