

January 14, 2025

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

Re: Mt. Wilson Lane Office Park  
Forest Buffer Variance  
Tracking #02-24-4236

Dear John Canoles:

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 (DEPS) on November 12, 2024. The applicant is seeking to construct a new building over an existing paved parking lot, and replace an existing retaining wall. If granted, the variance would allow impacts to 3,400 square feet(sf) of Forest Buffer Easement which is currently a paved parking lot, and the continued use of 1,295 sf of parking lot. No additional impervious surfaces are anticipated due to the construction of the building or the retention wall.

A small Use-I unnamed tributary to Gwynn Falls passes through the 1.46-acre property. The full forest buffer area required by the Forest Buffer Law encompasses the central and eastern portion of the property. The new building will be constructed over existing paved surfaces within the buffer and no impacts to the stream or wetlands are proposed.

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 have been minimized by utilizing the existing footprint of the parking lot for the location of the proposed building. Additionally, proposed mitigation for impacts to the buffer is onsite planting, within the existing Forest Buffer Easement on site.

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 (LOD) wherever the LOD is within 50 feet of any forested area. 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 proposed replacement of the retaining wall and construction of a building over the existing parking lot. Any subsequent impact to the Forest Buffer Easement 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 Forest Buffer Easement as shown on the plan has been approved by DEPS but has never been recorded in Baltimore County Land Records. Recordation of the Forest Buffer Easement will be required prior to any permit approval.
4. A Forest Buffer Protection Plan (FBPP) detailing proposed mitigation is required. A performance security will be required in the amount equal 110 percent of the estimated cost of implementing the FBP plan. The estimated cost shall be approved by Baltimore County Environmental Protection & Sustainability (DEPS).
5. 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 02-24-4236) was granted by Baltimore County Department of Environmental Protection and Sustainability to allow the impact of 3,400 sf of paved Forest Buffer Easement for construction of a new building, and the continued use of 1,295 sf of existing parking lot. Conditions were placed on this variance to reduce impacts to water quality, including the installation of high visibility safety fencing to protect forest resources and onsite planting of the Forest Buffer Easement.”
  - “There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
  - “Any Forest Buffer Easement Forest Conservation Easement, Forest Buffer Easement or Critical Area Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict the disturbance and use of these areas.”

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.

