

July 31, 2024

Devin Leary  
Human & Rohde, Inc.  
512 Virginia Avenue  
Towson, MD 21286

Re: Ner Israel Rabbinical College  
Forest Conservation Variance  
Tracking # 02-24-4151

Dear Devin Leary:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by the Department of Environmental Protection and Sustainability (EPS) on June 26, 2024. This request proposes to impact 240-sf of a forest conservation/forest buffer easement for the construction of a stormwater management facility outfall.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County 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 of the three criteria under Subsection 33-6-116 (d) must be met, and all three 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 all beneficial use of the property. The applicant is seeking to construct a new storm water facility for the construction of a gymnasium, athletic fields and parking lots. The property is currently being used as a rabbinical college. Therefore, not allowing the construction of the proposed new gymnasium, athletic fields, parking lots and associated storm water management facility would not deprive the petitioner of all beneficial use of the property, Therefore, 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 conditions of the neighborhood. The disturbance of the Forest Conservation Easement is due to the unique circumstances associated with the proposed stormwater outfall rather than the general condition of the neighborhood. Due to the proposed location of the new

improvements on campus, the location of the SWM facility is limited. Consequently, 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. The surrounding neighborhood consists of the remaining part of Ner Israel Rabbinical College. Therefore, no change in land use would result, and 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 no streams, wetlands or floodplains would be impacted to construct the proposed SWM facility. Therefore, we find that granting of the special variance 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 not taken any actions on the property necessitating this variance prior to its request. 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. The property has previously complied with the County's Forest Conservation regulations. Mitigation for the minor encroachment into the easement will be mitigated at a 3:1 ratio. As a result, the impact of 240-sf of a forest conservation easement for the construction of a storm water management outfall to allow for additional construction on site would be consistent with the spirit and intent of this law. Therefore, this criterion has been met.

Based on our review of the variance application, this Department finds that all required 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 following conditions:

1. All signs must be in place along the Forest Buffer and/or Forest Conservation Easements in accordance with the EPS-approved forest conservation plan (FCP), dated June 4, 2002.
2. The following note must appear on all subsequent plans for this project:  
  
"A variance (tracking #02-24-4151) was granted to Baltimore County's Forest Conservation Law to allow 240-sf of impacts to an existing forest

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conservation easement for construction of a SWM outfall. Conditions were placed on this variance to ensure the spirit and intent of this law were met.”

3. The final FCP shall be revised to reflect this variance as well as EPS comments and approved by EPS staff prior to issuance of any permits.

Please have the property owners 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 permits 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.

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

Sincerely yours,

Horacio Tablada  
Director

HT/jda

c. Dawn Clamp, Colbert, Matz, Rosenfelt  
Daniel Coy, Maryland Department of Natural Resources

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I/we agree to the above conditions to bring the subject property into compliance with  
Baltimore County's Forest Conservation Law.

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Property Owners' Signature

Date

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Printed Names