

Nick Glase
Unknown Studio
2612 Maryland Avenue
Baltimore, MD 21218

Re: Pikesville Armory
Forest Conservation Variance
Tracking # 02-24-4185

Dear Nick Glase:

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 (DEPS) on September 9, 2024. If granted, this variance would authorize removal of one specimen tree which has been damaged in a storm and is considered a hazard. Specimen Tree 21 is an isolated 31-inch diameter at breast height Pin oak (*Quercus palustris*) in fair condition located in the south-eastern portion of the parcel. DEPS staff determined that none of the other eleven specimen trees on the parcel would be critically impacted.

The Director of DEPS 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 beneficial use of the property. The ability to remove the specimen tree would not impact the current use of the existing facilities. Therefore, denying this variance would not deprive the petitioner of all beneficial use of the property; thus, 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. Rather than general conditions in the neighborhood, the petitioner's plight is due to unique circumstances associated with the location and damage to the specimen tree and the hazard it poses to power lines and the street. Therefore, we find 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 existing parcel is currently a state historic site of the Pikesville Armory. Additionally, no forest is on site and only the damaged specimen tree would be removed. Finally, the Armory has been present in the community since 1903, and no general change in the long-standing use would result from granting this variance. Therefore, we find that the variance, as requested, will not alter the essential character of the neighborhood and 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. Removal of this specimen tree will not result in any impact to wetlands or streams. 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 DEPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Allowing the removal of one specimen tree to remove a potential hazard would be consistent with the spirit and intent of this law given that no forest clearing will occur and that the tree is damaged and considered a hazard. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the 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. Removal of the specimen tree shall be mitigated by payment of a \$934 fee in lieu, which is based on 25% of the critical root zone of each tree. Remittance of the fee in lieu should be received by DEPS within 60-days of the date of this letter. Checks should be made payable to Baltimore County.
2. The following note must appear on all subsequent plans for this project:

“A variance (tracking #02-24-4185) was granted to Baltimore County’s Forest Conservation Law to allow removal of one specimen tree. Conditions were placed on this variance to ensure the spirit and intent of this law were met.”

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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. Daniel Coy, Maryland DNR