

July 29, 2024

Kristen Rigney
1719 Hunter Mill Road
White Hall, MD 21161

Re: Sharp Property
Forest Buffer Variance
Tracking # 03-24-4129

Dear Kristen Rigney:

Baltimore County Department of Environmental Protection and Sustainability (DEPS) received the above referenced request for a variance to the Baltimore County Code, Article 33 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on June 6, 2024. If granted, the variance would allow the permanent impact of 9,838 square feet of Forest Buffer Easement (FBE) for the replacement of a failing septic system. The replacement septic system, which will include a new septic tank, drain field, and 5,000 square-foot septic reserve area, will be located in the same general area within the FBE as the old system and only result in a net increase of 508 square feet of impact to the easement.

The property owner has applied for a building permit to construct an 1,850 square-foot addition to their house. The house is located on Lot 1 of the Sharp Property Minor Subdivision approved in 1999. Forest Buffer and Forest Conservation easements were established on the property as part of the minor subdivision review process and surround the house. During the building permit review process for the addition, the Department's Groundwater Section determined the existing septic system was failing. The existing septic system is located in both the FBE and Forest Conservation Easement (FCE) on the property. A separate forest conservation variance was submitted for the FCE impact and will be addressed in a separate correspondence.

The property owner considered other options to address the failing septic system, but these options would have resulted in impacts to mature trees. The failing septic system creates a potential water quality problem on the property. Due the extent of the conservation easements and steep slopes on the property and setback requirement from wells, there is limited area available to construct a new septic system which meets County standards. The new septic system will go in the same general area within the FBE as the old septic system and only result in a net increase of 508 square feet of impact to easement area. The inability to impact the FBE to fix a failing septic system represents an unreasonable hardship for the property owner. Consequently, this Department finds that an unreasonable hardship exists in fully meeting the Forest Buffer Law.

The property owner obtained variances from the Maryland Department of the Environment to reduce the septic system setback from steep slopes and to reduce the septic reserve area from 10,000 to 5,000 square feet to minimize their impact on water quality and the FBE. The new septic system will only result in a net increase of 508 square feet to the easement area. Any easement areas associated with the old septic system, which will not be utilized for the new system, will be seeded and stabilized and allowed to regenerate natural to further minimize impacts to water quality. Also, no forest, streams, or wetlands will be impacted with the construction of the new septic system. Finally, replacing the existing failing septic system with a new system which meets County standards will eliminate potential water quality impacts to the stream and wetlands onsite.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. Any areas of the old septic system disturbed and not utilized for the new system will be seeded and stabilized and will be allowed to revegetate naturally.
2. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains (Tracking Number 03-24-4129) was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow 9,838 square feet of impact to the Forest Buffer Easement on the property to replace a failing septic system. Conditions were placed on this variance to mitigate for the easement impact including seeding and stabilizing any areas of the old septic system disturbed and not utilized for the new system and allowing these areas to revegetate naturally.”

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 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 call Gris Batchelder at (410) 887-3980.

Sincerely,

Horacio Tablada
Director

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cc: Allison Diviney, Groundwater Management

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.

Property Owners

Date

Printed Names