

Henry Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Re: Washburn Property
1712 Circle Road
Forest Buffer Variance
Tracking # 02-24-4208

Dear Henry Leskinen:

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 October 15, 2024. If granted, the variance would allow the impact of approximately 3,139 square feet of Forest Buffer in order to replace a retaining wall and construct an 8'x14' splash pool as well as the continued use of accessory structures and maintenance of lawn areas on a residential property. The property owner will stop maintaining a 3,139 square area within the buffer as mitigation for the proposed impacts.

The proposed replacement retaining wall and splash pool will be constructed on a residential property located at 1712 Circle Road which contains a single-family home, a detached garage, and a garden shed. The Forest Buffer covers approximately 75% of the site and consists of lawn area with scattered trees and a small area of forest. Part of the existing house, garage, and all of the garden shed are located within the Forest Buffer. The buffer onsite is a result of the 25-foot setback associated with the 100-Year Floodplain of Roland Run.

The buffer impacts include 3,139 square feet associated with the replacement retaining wall and splash pool as well as the continued use/maintenance of 73,085 square feet of the property. As mentioned previously, the Forest Buffer area occupies approximately 75% of the property which makes improvements to the property without impacting the buffer difficult. The existing house and garage were constructed prior to the effective date of the County's Forest Buffer Regulations. The inability to impact the Forest Buffer to replace a retaining wall and construct a splash pool given the extent of the Forest Buffer on the property represents an unreasonable hardship for the applicant. Consequently, this Department finds that an unreasonable hardship exists in fully meeting the Forest Buffer Law.

The property owner proposes minimizing their impact on water quality by limiting the size of the splash pool and locating the pool near the outer limits of the Forest Buffer. The pool will be

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located over 300 feet from Roland Run. In addition, the property owner will eliminate maintenance within the first 100 feet of the buffer.

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. The applicant shall cease maintenance within the first 100 feet of the Forest Buffer.
2. All temporarily disturbed areas of the Forest Buffer must be returned to their original condition.
3. 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 02-24-4208) was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow the impact of 3,139 square feet of Forest Buffer for a replacement retaining wall and a splash pool and the continued use of accessory structures and lawn maintenance on a residential property . Conditions were placed on this approval to reduce water quality impacts including ceasing maintenance of portions of the buffer and restoring temporarily disturbed areas of the buffer.”

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

HT/cgb

cc: Thomas and Nettie Washburn
Noah O'Malley, Beechbrook Landscape Architecture

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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.

Property Owners

Date

Printed Names

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