

March 7, 2024

Mark Meeks
NOVA Builders Inc
8371 Baltimore Annapolis Blvd
Pasadena, MD 21122

Re: Amato Property at 104 Felton Road
Forest Buffer Variance
Tracking # 03-24-4069

Dear Mark Meeks:

A request for a variance from Article 33, Title 3, 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 February 27, 2024. This variance seeks to impact 400 square feet (sf) of Forest Buffer maintained as lawn for the construction of a pool, and to allow the continued use of 3,140-sf of lawn that would otherwise be established as Forest Buffer to protect Long Quarter Branch, a Use III-P tributary to Loch Raven Reservoir that extends along the western boundary of this residential property. The request also seeks authorization to forego recordation of a Forest Buffer Easement and its associated Declaration of Protective Covenants in the Land Records of Baltimore County. The Forest Buffer Law is being applied as a result of a permit application to construct the 400-sf inground pool.

The Forest Buffer, as delineated in accordance with Section 33-30-111 of the Forest Buffer Law, encompasses approximately 40% of this 9,380-sf property, originally established as lot # 13 of the Dulaney Village Subdivision Addition in 1959. The proposed pool will extend closer to the stream than the existing dwelling. However, neighboring properties have additions, pools and outbuildings within the buffer. Additionally, zoning regulations require the pool to be constructed in the rear yard that is almost entirely in the Forest Buffer.

This Department has reviewed your request and has determined that a practical difficulty exists, in that the lot was developed prior to the Forest Buffer Law and the Forest Buffer encompasses the majority of the rear of the property where zoning regulations dictate the pool must be installed. Furthermore, we find that the potential for impacts to water quality as a result of this proposal would be minimized by installing and maintaining proper sediment control devices.

Therefore, we will grant this request in accordance with §33-3-106(a)(1) of the Baltimore County Code with the following conditions:

1. The following notes must appear on all subsequent plans submitted for this project:
 - A variance to the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (tracking # 03-24-4069) was granted by Baltimore County Environmental Protection and Sustainability to impact 400-sf of Forest Buffer for the construction of a pool, as well as the continued use of 3,140-sf of existing lawn, and to forego recordation of a Forest Buffer Easement in land records. Any future development or change in use of this property may require full compliance with this law.”
 - There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.
2. This variance approval pertains solely to the pool permit. Any subsequent impact to the Forest Buffer on this property shall be reviewed on its own merits and shall comply with the regulations in effect at the time, including variance and alternatives analysis requirements per §33-3-106 and §33-3-112(c) of the Forest Buffer Law, respectively.

Please have the property owner 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 the permit 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 contact Jann Anderson at (410) 887-3980.

Sincerely yours,

Horacio Tablada
Director

HT/ja

c. Gordon and Julie Amato, Property Owners

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 Owner's Signature Date

Printed Name

Property Owner's Signature Date

Printed Name