

February 23, 2024

Robert Brittain
Frederick Ward Associates
5 South Main St.
Bel Air MD 21014

Re: Beachmont, Inc. Pool Improvements
6433 Mount Vista Road, Kingsville MD 21087
Forest Conservation Variance
Tracking # 05-24-4041

Dear Robert Brittain:

A request for a variance from Baltimore County Code Article 33, Title 6, Forest Conservation for the referenced project was received by the Department of Environmental Protection and Sustainability (DEPS) on January 22, 2024. This request proposes to base the forest conservation requirements on the 0.9-acre limit of disturbance rather than the entire 45.9-acre site for the construction of a replacement swimming pool facility. Previous forest conservation variances for the site have resulted in no clearing of existing forest, and a 0.2-acre afforestation requirement being met offsite. Full compliance would result in an afforestation requirement of 3.5 acres. Based on the limits of disturbance for the current activity, the afforestation requirement would be 0.1-acre. This development activity includes areas of existing impervious surfaces, lawn, and several landscape trees. There are no proposed impacts to streams, wetlands, forest buffers, forest, or specimen trees.

The Director of DEPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the 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 (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) 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 his property. The applicant is seeking to improve the swimming pool at an existing Christian day care, day camp, and recreation facility involving no disturbance to forest or trees. Full application of the law to the entire property would not result in unwarranted hardship to the applicant. 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 proposed swimming pool improvements are located in the area of the

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existing pool and involves no forest clearing. This forest conservation variance request is based on unique circumstances of this property only, and the need for improvements to the existing pool complex. Therefore, 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 project involves improvements to an existing pool on an existing day care, day camp, and recreation facility so the use and essential character of the neighborhood will remain the same. Therefore, 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. There are no stream, wetland, or forest buffer impacts associated with this project. Also, there are no impacts to forests, or specimen trees. In addition, the project must meet stormwater management requirements. Therefore, granting of the special variance will not adversely affect water quality, and 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. Prior to requesting this variance, no work has taken place on the property that would have required this variance request. Therefore, the fifth 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 Title 6, Forest Conservation. Allowing the forest conservation requirements to be based on the limit of disturbance for improvements to an existing day care, day camp, and recreation campus would be consistent with the spirit and intent of the forest conservation law. There are no proposed impacts to forest or specimen trees, and water quality impacts have been minimized in the design of the improvements. In addition, afforestation will be provided based on the limits of disturbance area. Therefore, this criterion has been met.

Based on our review, this Department finds that 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. The 0.1-acre afforestation requirement for this project shall be met by purchasing credit at a DEPS-approved forest planting bank, or at another approved off-site afforestation location. If an approved bank or off-site location is unavailable, a fee-in-lieu payment of \$2,395.80 shall be paid to the Baltimore County Forest Conservation Fund. This requirement must be completed prior to approval of any permit for the project.
2. A forest conservation plan (FCP) must be submitted and approved by DEPS prior to issuance of any permits.

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3. This variance approval does not exempt future redevelopment of this site from complying with the Baltimore County forest conservation law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement at the end of this letter 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 plans for this project.

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

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.

Sincerely yours,

Horacio Tablada
Director

HT/pad

c: Stewart Walker, Beachmont Inc.

I/we agree to the above conditions to bring the referenced Baltimore County project into compliance with Baltimore County Code Article 33, Environmental Protection And Sustainability, Title 6, Forest Conservation.

Property Owner Signature

Printed Name