

March 12, 2024

Claire Fishman
Carroll Engineering, Inc.
215 Schilling Circle
Suite 102
Hunt Valley, MD 21031

Re: Evans Funeral Chapel
Forest Buffer Variance
Tracking # 05-24-4063

Dear Claire Fishman:

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 January 31, 2024. If granted, the variance would allow the permanent impact of 0.04 acres of forest buffer, the continued maintenance of 0.07 acres of forest buffer for the repair of a storm drain pipe, and the reduction of the principal building setback from 25 feet to 9.5 feet for a proposed funeral home and cremation facility. The property owner proposes to plant eight Maryland native trees within the open areas of the forest buffer to mitigate for the water quality impacts associated with the proposed variance.

There are is a piped stream in the rear of the property that daylight on the two adjacent properties. The stream flows to an unnamed tributary to Gunpowder Falls, a Use-I stream. There is a 100-Year Floodplain associated with this stream that covers 0.3 acres of the property. The forest buffer, which is based on the 25-foot setback from the floodplain and the 75-foot setback from the stream, occupies 0.45 acres of the 1.3 acre site. The majority of the forest buffer is open field with 0.1 acres of forest.

The property owner wants to construct a funeral home and cremation facility and associated parking on the site which is zoned BL (Business Local), BR (Business Roadside), and DR3.5 (Density Residential). The project is a re-development of a property that operated as a tv sales and service business. The property owner considered several design alternatives for the proposed funeral home and cremation facility. These design alternatives were either impractical or resulted in greater impact to the forest buffer. The proposed design alternative will result in only 0.04 acres of impact to the forest buffer due to reductions in parking spaces, vehicular and pedestrian pathways, and the size of the building. This is a significant improvement over the original design which proposed impacts to the majority of the forest buffer. The inability to re-develop an existing commercial site without impacting the forest buffer when efforts have been made to minimize impacts to the forest buffer and the stream onsite is piped 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 proposes minimizing their impact on water quality by reducing the number of parking spaces, vehicular and pedestrian pathways, and the size of the building. In addition, the property owner will plant eight 1-inch caliper Maryland native trees in the open areas of the forest buffer. These trees will be planted in addition to the 20 trees required to be planted to address the County's Forest Conservation Regulations. All 28 trees will be protected in perpetuity in a Forest Buffer and Forest Conservation Easement. Also, stormwater management will be required onsite. There is no evidence that stormwater management was addressed for the previous commercial use of the property.

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 property owner shall mitigate for the 0.04 acres of permanent impact to the forest buffer by planting eight 1-inch caliper Maryland trees in the open areas of the forest buffer.
2. A Forest Buffer Protection Plan (FBPP) detailing the mitigation must be submitted to Environmental Impact Review for review and approval prior to approval of the grading and sediment control plan.
3. The 0.45-acre forest buffer must be protected with a Forest Buffer Easement (FBE). The FBE must be recorded in the Land Records of Baltimore County prior to any permit approval.
4. An Environmental Agreement and planting security to guarantee survival of the onsite planting for three years must be submitted to Environmental Impact Review prior to any permit approval.
5. 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 05-24-4063) was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow the permanent impact of 0.04 acres of forest buffer for the construction of a funeral home and cremation facility on the property. Conditions were placed on this approval to reduce water quality impacts including planting trees in open areas of the forest 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.

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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 Gris Batchelder at (410) 887-3980.

Sincerely,

Horacio Tablada
Director

HT/cgb

cc: Charlie Evans

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