

January 3, 2025

Devin Leary
Human and Rohde, Inc.
512 Virginia Avenue
Towson, MD 21286

RE: Property of J. Fountaine Jones
1825 Blue Mount Road
Forest Buffer Variance
(Tracking # 03-24-4218)

Dear Devin Leary:

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 November 12, 2024. If granted, the variance would allow the postponement of forest buffer compliance for five lots created without County authorization on the remainder parcel shown on the approved J. Fountaine Jones and Wife Property Joint Subdivision Planning Committee (JSPC) subdivision plan. Postponing forest buffer compliance will allow the JSPC plan to be amended to include the five illegally created lots and allow the property owner of Lot 1 to proceed with a proposed minor subdivision. Forest buffer compliance will be applied to each of the five lots associated with the remainder parcel prior to any future development activities on these lots.

The J. Fountaine Jones and Wife Property JSPC subdivision was approved in July of 1977 and recorded in the Land Records of Baltimore County on August 10, 1977. The subdivision created a lot (Lot 1) and a remainder parcel. The remainder parcel was subdivided into five additional lots by deed and description without County approval. Lot 1 contains no forest or wetlands or streams on or immediately adjacent to the property. The remainder parcel includes forested areas as well as several tributaries to Gunpowder Falls.

The property owners of Lot 1 would like to create a two lot minor subdivision on their property. Permits, Approvals, and Inspections is requiring the original JSPC plan to be amended to include the five lots created illegally on the remainder parcel before allowing the property owners of Lot 1 to proceed with their proposed minor subdivision. Amending the JSPC plan will require full compliance with the County's Forest Buffer Regulations. Lot 1 and the five lots created on the remainder parcel without County approval are all owned by separate individuals. The inability to proceed with their

proposed minor subdivision because compliance with the County's Forest Buffer Regulations is required to amend the JSPC plan, which includes lots they don't own, represents an unreasonable hardship for the property owners.

The variance to postpone full compliance would minimize impacts to water quality given that full compliance with the County's Forest Buffer Regulations would be required for any future development activity on any of the five lots created illegally from the remainder parcel. Furthermore, approval conditions of a companion variance seeking to postpone full compliance with the County's Forest Conservation Law will ensure that the County's Forest Conservation Regulations are also applied to the five lots when any of the five lots proposes a development activity. There are no streams or wetlands on Lot 1, so forest buffer compliance is not required for the proposed minor subdivision. However, full compliance with the County's Forest Conservation Regulations will be required for the proposed minor subdivision. Therefore, this Department finds that the proposed variance will not adversely affect water quality.

Based on our review, this Department finds that the request meets the variance criteria. Therefore, the variance is hereby approved in accordance with Section 33-3-106 (a)(1) of the Baltimore County Code with the following conditions:

1. Full compliance with the County's Forest Buffer Regulations will be required for any of the five lots created without County approval on the remainder parcel shown on the J. Fountaine Jones and Wife Property approved July 1977. Each of the five lots will comply separately with the Regulations at the time a development activity is proposed on that particular lot. The approval of this variance neither provides or denies the owners of the five lots on the remainder parcel with any rights or obligations those owners would otherwise be entitled to but for this variance.
2. The following notes must be included on all subsequent plans and plats for any development on this property:

“A variance (Tracking Number 03-24-4218) was granted by Baltimore County Department of Environmental Protection and Sustainability to postpone full compliance with the County's Forest Buffer Regulations on any of the lots within the remainder parcel of the J. Fountaine Jones and Wife Property as depicted on the July 27, 1977 JSPC plan. Each of the lots will comply both fully and separately with the Regulations at the time a development activity is proposed on that particular lot.”

“Any lots within the remainder of the J. Fountaine Jones and Wife Property, as depicted on the July 27, 1977 JSPC Plan recorded in Baltimore County Land Records on August 10, 1977 (E.H.K., JR 41/Folio 116), shall comply with all applicable Baltimore County Laws and Regulations including, but not

limited to, the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains and the Forest Conservation Law, prior to any future development activities on any lot within the originally compromised "Remainder" on the July 27, 1977 JSPC Plan."

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.

Please have the owner sign the statement below 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 Gris Batchelder at (410) 887-3980.

Sincerely yours,

Horacio Tablada
Director

HT/cgb

- c. Robert T. North and Krista M. North, 1825 Blue Mount Road
Tom Hoff, Thomas J. Hoff, Inc.

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Owner's Signature

Date

Printed Name