

October 1, 2015

Mr. Devin Leary  
Human & Rohde Inc.  
512 Virginia Ave  
Towson, MD 21286

RE: The Shops at Kenilworth  
Forest Buffer Variance Request  
Tracking # 05-15-2081

Dear Mr. Leary:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on September 30, 2015. If granted, an entire 16,350 square foot (0.37-acre) Forest Buffer from an unnamed Use I tributary to Roland Run would be eliminated to facilitate construction of a 20,000-square foot addition to an existing store in a mall that has existed in its current state since 1979. The stream daylights from a culvert at the embankment of the parking lot along the mall's western boundary line and flows away from the site. The entire headwaters of this stream system were piped over 40 years ago to commercially develop the Kenilworth Drive and York Road corridor.

This Department has reviewed your revised request and has determined that a practical difficulty exists due to the fact that the buffer would encompass existing impervious surface area comprised of the long standing mall and its parking lot. We further find that the potential for impacts to water quality and aquatic resources as a result of this proposal are minimal given the current state of the buffer and the fact that no new impacts to buffer or water quality are proposed. Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code with the following conditions:

1. The proposed construction shall not directly impact the stream system that generates the Forest Buffer at issue. Any impact to that stream will require a new Forest Buffer variance request as well as a Joint Permit Application to Maryland Department of the Environment and U.S Army Corps of Engineers.
2. The following note must appear on all plans and plats submitted for this project:

"A variance was granted on October 1, 2015 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to waive establishment of a Forest Buffer Easement."

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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 a new variance request.

If there are any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely,

Vincent J Gardina  
Director

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