February 26, 2025

Oksana Bryden
Vogel Engineering + Timmons Group
3300 North Ridge Road
Ellicott City, MD 21043

> Re: Petillo Property – 2415 Cub Hill Road
>   Forest Buffer Variance
>   Tracking #03-24-4232

Dear Oksana Bryden:

    A request for a variance from the Baltimore County Code, Article 33, Title 3, Law for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by this Department of Environmental Protection and Sustainability (DEPS) on December 2, 2024. A revised variance application was received on January 15, 2025. If granted, the variance would allow the construction of a single-family dwelling within the Forest Buffer and reduction of the 35-foot principal structure setback. The new dwelling will impact 11,000 square feet (sf) of the forest buffer to be used as a yard, driveway, and other infrastructure. The variance request also includes reduction of the 35-foot principal structure setback off the proposed reduced Forest Buffer Easement to 28 feet on the north side of the dwelling and 24 feet on the south side. The buffer is associated with Lower Gunpowder Falls (Use-I), which flows across the property's northwest corner, and one of its unnamed tributaries, which flows along the property's eastern boundary.

    The property is currently unimproved and partially forested. The forest buffer encompasses 94% of the 37,853-sf lot, leaving only 2,460 sf of buildable area remaining outside the buffer. Due to the extent of the forest buffer on the property, avoiding buffer impacts during construction of any dwelling would be impossible. Approximately 2,250 sf of forest will be permanently cleared from the buffer in order to allow the dwelling a usable yard. No direct impacts to any streams or wetlands are proposed.

    This Department has reviewed your request and determined that a practical difficulty exists in avoiding impacts to the forest buffer, given the extent of the forest buffer on the property. No wetlands or streams will be directly impacted by the proposed dwelling, and 26,053 sf of unimpacted forest buffer will be retained in Forest Buffer Easements. All appropriate sediment controls will be utilized. Consequently, there will be minimal impact to water quality as a result of granting this variance.

Therefore, the requested variance is hereby approved in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. Other than the proposed dwelling, driveway, yard, and other infrastructure shown on the plan accompanying the variance application, no new structures shall be built within the Forest Buffer Easements without prior DEPS approval.

2. The proposed dwelling and infrastructure shall not be constructed any closer to the forest buffer and no larger than proposed on the site plan accompanying the variance request.

3. Mitigation must be provided at 2:1 ratio for permanent impacts to forested forest buffer and a 1:1 ratio for permanent impacts to unforested forest buffer. This results in 4,500 sf of mitigation for permanent impacts to forested forest buffer and 8,750 sf of mitigation for unforested forest buffer. The total mitigation requirement of 13,250 sf may be provided through onsite planting of unforested portions of the forest buffer if possible, or through the purchase of credit in a County-approved forest buffer mitigation bank if no planting areas exist onsite.

4. A Forest Buffer Protection Plan detailing proposed forest buffer impacts and mitigation must be submitted to EIR for review and approval. If mitigation is to be provided onsite, a security equal to 110% of the cost of implementation of the FBPP must be posted with DEPS prior to any permit approval. An itemized cost estimate must be submitted to EIR for approval.

5. The Forest Buffer Easements must be recorded with their appropriate Declarations of Protective Covenants in Baltimore County Land Records prior to any permit approval.

6. Protective signage must be installed along the Forest Buffer Easement boundaries every 100 feet and at any turn in the easement boundaries. Signs must be affixed to metal U-posts four feet high using two bolts and embedded at least two feet deep. The sign installation must be inspected and approved by EIR staff prior to any permit approval. A list of local sign suppliers is enclosed.

7. High visibility, orange safety fence must be installed along the project's limit of disturbance (LOD) anywhere the LOD is within 50 feet of a Forest Buffer Easement. The fence installation must be inspected and approved by EIR staff prior to any permit approval.

8. The following note must appear on all plans and plats for this property:

   "A variance (tracking #03-24-4232) from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was granted by Baltimore County Department of Environmental Protection and Sustainability to allow construction of a single-family dwelling and associated infrastructure partially within the Forest Buffer, as well as a

   reduction of the 35-principal structure setback to the Forest Buffer Easement. Conditions
   were placed on this variance to reduce impacts to water quality."

  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
plans for this project.

  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 Libby Errickson at (410)
887-3980.

Sincerely yours,

Horacio Tablada
Director

HT/lbe

c. KTW Enterprises LLC, Owner

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' Signatures   Date

_____
Printed Names

S/EPS/EIR/Libby/Petillo Prop FBV 1.23.25.docx