

January 3, 2025

Henry Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

Re: 8665 Pulaski Highway
Forest Buffer Variance
Tracking #07-24-4220

Dear Henry Leskinen:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by this Department of Environmental Protection and Sustainability (EPS) on November 12, 2024. If granted, the variance would allow the repair of an eroded slope within the forest buffer at an existing retail center property. The forest buffer is associated with Stemmers Run (Use I) which flows along the northeastern boundary of the property, as well as its associated floodplain. The proposed slope repair will impact 3,429 square feet (sf) of the forest buffer. Neither the stream nor the floodplain will be directly impacted by the proposed project.

The proposed slope repair and stabilization will involve removal of the sloughed soil material and replacement with either new controlled fill, stone, or riprap. The need for the proposed slope repair was identified during a recent maintenance inspection of the property. The eroded slope exists within three feet of the commercial building and could compromise the building's foundation if it continues to further erode. Failure to repair the slope in a timely manner will also result in additional sedimentation of the stream and negatively impact water quality. Therefore, the proposed work within the buffer is necessary to protect the structural integrity of the retail center building as well as to avoid further negative impacts to water quality.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with Sections 33-3-111 and 33-3-112 of the County Code given that the eroded slope exists entirely within the forest buffer and that failure to repair the slope as soon as possible could result in damage to the retail building foundation. Furthermore, we have determined that the proposed repair will prevent further impacts to water quality resulting from the slope erosion, given that further erosion would result in sedimentation of the stream and no direct impact to the stream or floodplain is proposed.

Based on these findings, we determined that the variance criteria have been met. Therefore, this variance is hereby granted in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. Mitigation for the 3,429 sf of proposed impact forest buffer is required. The use of stone or riprap to repair the slope will preclude replanting of the disturbed area, so mitigation is required at a 2:1 ratio and can be provided via the purchase of credit in a County-approved forest buffer mitigation bank. Mitigation must be provided prior to grading permit approval.
2. High visibility, orange safety fencing shall be manually installed along the project's limit of disturbance (LOD) to protect resources immediately outside the LOD from disturbance during construction. The fence shall be inspected and approved by EPS staff prior to grading permit issuance.
3. The following note must be on all plans for this project:

“A variance (tracking #07-24-4220) to the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was granted by Baltimore County Dept. of Environmental Protection & Sustainability to allow the proposed repair and stabilization of an eroding slope within the forest buffer at a retail center property. Conditions were placed on this variance to minimize impact to water quality.”

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. Andy Nance, 8655 Pulaski Joint Venture LLC
Valek Zarski, Baltimore Land Design Group