

July 17, 2013

Mr. Jared Barnhart
Daft, McCune & Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286

Re: Hunt Valley Towne Center –Marshall & Pier 1 Imports
Forest Conservation Variance
Tracking # 03-13-1662

Dear Mr. Barnhart:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability (EPS), Title 6 Forest Conservation was received by this Department on July 15, 2013. This request proposes to base the afforestation required by Section 33-6-111 of the Forest Conservation Law on the approximately 2.4-acre limit of disturbance rather than the entire 84.7-acre mall property for constructing two new retail stores.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to redevelop part of an existing shopping center that predates the Forest Conservation Law and is requesting a reduction of the associated afforestation requirement. Consequently, full application of the law to the entire property would only affect the cost of redevelopment, not deprive the petitioner of beneficial use of this property. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The proposed improvements are due to unique

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circumstances associated with the cost of redeveloping the property rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The proposed redevelopment is consistent with the current use of the site and will not alter the essential character of the commercially developed neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that no wetlands, streams or floodplains would be impacted by the proposed construction. Therefore, we find that granting of will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions on the property prior to requesting this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation obligation based on limit of disturbance for redevelopment predominantly over existing impervious surface would be consistent with the spirit and intent of the Forest Conservation Law. This is especially true given that no impacts to forest, specimen trees, or water quality would result. Therefore, this criterion has been met.

Based on our review, this Department finds that all required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. The resultant 0.4 acre of afforestation shall be addressed by purchase of 0.4 ac of credit in an EPS-approved forest retention bank or payment of an \$8,712 fee in lieu of planting prior to issuance of any permits or approval of an Environmental Agreement. A letter authorizing the use of a forest retention bank is enclosed for your use.
2. A forest conservation plan showing the limits of construction, a forest conservation worksheet based on this variance, and a note indicating how afforestation will be addressed must be submitted to this Department and

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approved prior to EPS approval of any Environmental Agreement or grading permit application.

3. This variance approval does not exempt future redevelopment of this site from complying with Baltimore County's Forest Conservation Law.

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.

Please have the party responsible for implementing the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. 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 Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/ges

Enclosure

c. (no encl.): Mr. Gustavo Arango, HVWM, LLC
Mr. Jan Cook, Project Manager, PAI

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I/we agree to the above conditions to bring my/our property into compliance with
Baltimore County's Forest Conservation Law.

Responsible Party's Signature

Date

Responsible Party's Printed Name