

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: August 27, 2013

DPZ File No. WP-14-022

Department of Planning and Zoning

- 1 Transportation Planning
- 1 Resource Conservation (Historic/Ag Pres)
- Public Service and Zoning Administration
- 1 Research
- Address Coordinator

- 1 Comprehensive & Community Planning
- 2 Development Engineering Division
- Other
- 2 File

Agencies

- Soil Conservation District
- 1 Department of Inspections, Licenses & Permits
- 1 Department of Fire and Rescue Services
- 1/5 State Highway Administration
- 1 Health Department
- 1 Public School System
- 1 Recreation and Parks
- WSSC (Non-Residential Only)
- MD Aviation Administration

- Tax Assessment
- Verizon
- BGE
- Cable TV
- Police
- MTA
- Finance
- 1 DPW, Real Estate Services
- DPW, Construction and Inspection
- DPW, Bureau of Utilities

RE: Balakirsky Property

ENCLOSED FOR YOUR Signature Approval Review & Comments Files

THE ENCLOSED Original Pre-Packaged Plan Set

Plans	# of Sheets	Supplemental Documents
<u> </u> Sketch Plan	<u> </u>	<u> </u> Wetlands Report
<u> </u> Prel Equiv Sketch Plan	<u> </u>	<u> </u> Soils/Topo Map/Drain Area Map
<u> </u> Preliminary Plan	<u> </u>	<u> </u> FSD/FCP/Worksheet and Application
<u> </u> Final Plat/Plat of Easement/RE Plat	<u> </u>	<u> </u> Declaration of Intent (Forest Cons)
<u> </u> Final Constr Plans (RDS)	<u> </u>	<u> </u> Drainage and/or Computation/Pond Safety Comps
<u> </u> Final Development Plan	<u> </u>	<u> </u> Preliminary Road Profiles
<u> </u> Site Development Plan	<u> </u>	<u> </u> APFO Roads Test/Mitigation Plan/Traffic Study
<u> </u> Landscape Plan/Supplemental Plan	<u> </u>	<u> </u> Noise Study
<u> </u> Grading Plan	<u> </u>	<u> </u> Sight Distance Analysis/Speed Flow Study
<u> </u> House Type Revision/Walk-Thru Red-Line	<u> </u>	<u> </u> Floodplain Study
<u> </u> Water and Sewer Plan	<u> </u>	<u> </u> Stormwater Management Comps/Geo-Tech Report
Applications		<u> </u> Industrial Waste Survey (DPW)
<u>x</u> Waiver Petition Applic/Exhibit	<u> </u>	<u> </u> Road Poster Form Letter
<u> </u> Planning Board Application	<u> </u>	<u> </u> Justification Letter
<u> </u> ASDP/CSDP Application	<u> </u>	<u> </u> Perc Plat
<u> </u> DED Application/Checklist	<u> </u>	<u> </u> Scenic Road Exhibits
<u> </u> DED Fee Receipt/Deeds/Cost Estimate	<u> </u>	<u> </u> Deeds
<u> </u> Overall Scaled Composite	<u> </u>	<u> </u> Photographs
<u> </u> Water & Sewer Plans	<u> </u>	<u> </u> Retaining Wall Comps/Details
<u> </u> List of Street Names	<u> </u>	<u> </u> Poster/Community or HDC Meeting Information
		<u> </u> Route 1 Details/Summary

WAS: Received Tentatively Approved Recorded

Received and Revised Approved On August 27, 2013

COMMENTS: _____ SRC/Comments Due By: 9/20/13

19w Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

DPZ STAFF INITIALS: jw

Howard County Department of Planning and Zoning
Division of Land Development
WAIVER PETITION APPLICATION

[Waiver from Subdivision and Land Development Regulations]

Date Submitted/Accepted 8/27 DPZ File Number WP-14-022

I. Site Description

Subdivision Name/Property Identification: LOTS 1 & 2, BALAKIRSKY PROPERTY

Location of property: 11755 BRADON WOOD, CLARKSVILLE, MD. 21029
(Street Address and/or Road Name)

1 SINGLE-FAMILY HOUSE
(Existing Use)

2 SINGLE-FAMILY HOUSES
(Proposed Use)

29
(Tax Map No.)

14
(Grid/Block No.)

A2
(Parcel No.)

5
(Election District)

RC-DEO
(Zoning District)

6,2009 AC. (SURVEYED)
(Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, waiver petitions, etc.)

NONE KNOWN

II. Waiver Request

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee may grant waivers or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which a waiver is being requested and provide a brief summary of the regulation. Attach a separate sheet if additional information is appropriate.

Section Reference No.	Summary of Regulation
1. <u>16.116.a.(1)</u>	<u>PROHIBITS GRADING, REMOVAL OF VEGETATIVE COVER, PAVING, & NEW STRUCTURES WITHIN 25 FEET OF A WETLAND</u>
2. <u>16.116.a.(3)</u>	<u>REQUIRES LOCATING WETLANDS, STREAMS, & BUFFERS ON OPEN SPACE OR NON-BUILDABLE PRESERVATION PARCELS.</u>
3. <u>16.120.b.(4)(i)</u>	<u>REQUIRING REGULAR, GENERALLY RECTANGULAR LOT SHAPE</u>
4. <u>16.120.b.(4)(iii)(b)</u>	<u>ALLOWING WETLANDS, STREAMS, & THEIR BUFFERS TO BE ON RESIDENTIAL LOTS EXCEEDING 10 ACRES ONLY</u>
5. <u>16.120.c.(2)</u>	<u>REQUIRING ALL SINGLE-FAMILY LOTS TO HAVE FRONTAGE ON A PUBLIC ROAD RIGHT-OF-WAY.</u>

III. *Justification*

All waiver requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission. Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the waiver will not be detrimental to the public interests.
- d. Confirm that approval of the waiver will not nullify the intent of the Regulations.

PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE WAIVER REQUESTS.

IV. *Pre-Submission Meeting Requirements*

- a. **Community Meeting Requirement** - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for new non-residential development located within 200 feet of a residential zoning district or an existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25% in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for waivers of the site development plan requirement. [See DPZ policy memo dated 3/22/04 for existing lots/parcels]. The property owner/developer must provide 3 weeks advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail. **A certification that meeting notices were mailed, contact information for the attendees and a copy of the minutes and a written response with a dated return mail receipt or dated email attached to all of the major comments recorded at the meeting must be submitted to DPZ along with the initial plan application. The meeting minutes, including a written response to all questions, shall be sent to all meeting attendees within 60 days of the meeting either electronically or by first class mail [Council Bill 6-2011].**
- b. **HDC Meeting Requirement** - A pre-submission advisory meeting with the Historic District Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HDC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HDC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**
- c. **MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or waiver approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or waiver petition application.

- d. **Design Advisory Panel (DAP)** – A pre-submission advisory meeting with the Design Advisory Panel is required for sketch and preliminary equivalent sketch plans that are submitted on or after November 3, 2008 for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual; on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual; on parcels which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in the New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; and for revitalization and redevelopment of Downtown Columbia in accordance with Sections 16.1501 and 16.1504 of the Howard County Code. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. **The property owner/developer must submit a copy of the DAP project design recommendations to DPZ along with the initial subdivision plan application.**

V. **Plan Exhibit**

A. Number of Copies Required

The waiver petition application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road**). In instances where the waiver request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

Plan applications are available on the DPZ website at <http://www.howardcountypa.gov/DPZ/>

B. Plan Requirement Checklist

The detailed waiver petition exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the waiver request to ensure acceptance of the waiver petition application for processing.

Legend:	<input checked="" type="checkbox"/> Information Provided	<input checked="" type="checkbox"/> Information Not Provided, Justification Attached
	<input type="checkbox"/> NA Not Applicable	

- X ✓ 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- X ✓ 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- X ✓ 3. North arrow and scale of plan.
- X ✓ 4. Location, extent, boundary lines and area of any proposed lots.
- X ✓ 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- X ✓ 6. Delineation of building setback lines.
- X ✓ 7. Delineation of all existing public road and/or proposed street systems.
- X ✓ 8. Identification and location of all easements.

- X 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
- X N/A 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- X 11. Any additional information to allow proper evaluation (e.g. for waivers to wetland buffers an alternative analysis and mitigation proposal are needed; for waivers to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for waivers of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- X N/A 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- X 13. The exhibit plans should be highlighted to accurately illustrate the requested waiver(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- X 14. Submit 2 sets of photographs for all existing on-site structures.
- X 15. Identify the location of any existing wells and/or private septic systems.

X N/A 16. **Route 1 Manual**
 Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

X N/A 17. **Route 40 Design Manual**
 Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

X 18. **Property Deeds** – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

X 19. Please complete the following:

A pre-submission meeting was held with DPZ on FEBRUARY 6, 2013 with
[date]
KENT SHELBROOKS, CHAD EDWARDS, MICHAEL PAVALIKSKY, CRAIG STEWART, if applicable.
[DPZ, Director, DLD Division Chief or other SRC representatives]
SCOTT SHAWBERGER

VI. Fees

The Waiver Petition application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application and could cause additional time to be required to revise the petition for resubmittal and re-review.** For more information or questions, contact DPZ at (410) 313-2350.

Owner's/Petitioner's Certification

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to relax the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. ***If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.**

Owner's authorization attached *

[Signature]
 (Signature of Property Owner)
 (Fee Simple Owner Only)

10/23/13
 (Date)

[Signature]
 (Signature of Petition Preparer) *
 STANBERGER & LAND

7/23/13
 (Date)

M. BALAKIRSKY
 (Name of Property Owner)

(Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

11755 Bregden Wood
 (Address)

8700 TOWN & COUNTRY BLDG, SUITE 201
 Address)

1 Clarksville MD 21029
 (City, State, Zip Code)

EUMOTT CITY MD. 21083
 (City, State, Zip Code)

✓ E-Mail Kopiye@yahoo.com

E-Mail home@shankane.com

✓ 410-3407823 (Telephone) (280) 209 5568 (Fax)

(410) 461-9563 (Telephone) (410) 461-9693 (Fax)

✓ Contact Person: M. BALAKIRSKY

Contact Person: SCOTT STANBERGER

Howard County Department of Planning and Zoning
Division of Land Development

**INITIAL SUBMISSION
WAIVER PETITION WORKSHEET**
(For DPZ Use Only)

Project Name _____ DPZ File No. _____
DPZ Plan Reviewer _____ Submission Date _____
Plan Consultant Representative _____ Time _____

- I. **Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete
 - b. Required number of plans and applications are provided.....
 ___ Plans (15 sets on County Road or
 ___ Applications 19 sets on State Road)
 - c. Supplemental Information is provided
 - d. Certification of pre-submission community meeting and summary of community comments with dated responses to all meeting attendees within 60 days is provided and three week notice given to DPZ and County Council, if applicable
 - e. Certification of pre-submission HDC advisory meeting for new projects in Historic District or listed in Historic Sites Inventory
 - f. Photographs of existing structures (for Historic Preservation Review)
 - g. MAA Approval Letter (if applicable)
 - h. Written summary of Route 1 Manual/Route 40 Design Manual compliance (if applic)
 - i. DAP project design recommendation for Route 1/Route 40 projects

- II. **Fee Computation** **Fee**
- Number of waivers requested
 - * Base Fee for first two waiver sections (**\$450**)
 - Fee for each additional waiver section (3 additional waivers x **\$50** each)
 - * (Maximum fee of **\$350** for Agricultural Preservation parcels)
- TOTAL** _____

III. **Certification**

Cash Receipt No. _____ Amount _____
SAP Acct 1000000000-3000-3000000000-PWPW000000000000-432530

Check issued by _____

___ Waiver petition application is accepted for processing.

___ Scheduled SRC meeting date.

___ Waiver petition application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

August 14, 2013

Mr. Kent Sheubrooks, Chief
Division of Land Development
Howard County Department of Planning and Zoning
3430 George Howard Drive
Ellicott City, MD 21043

re: waiver request on my property
11755 Bragdon Wood

Dear Mr. Sheubrooks:

I am the new owner of the property known as 11755 Bragdon Wood in Clarksville. I purchased this property with the intention of building a new house on a new lot on the lower portion of the property with a driveway from Chapel Estates Drive. Prior to purchasing I had the property perc tested to determine if I could get an approved well and septic system for each lot. Although the property did not perc where we wanted it to, we did find 2 perc areas which the Health Department has approved.

I also had the property surveyed by Shanaberger & Lane to determine if it had enough acreage to allow creating an additional lot, and it does.

I have worked with an architect, Craig Stewart, to develop the plans for the house my wife and I wish to build for ourselves and our children. I understand that subdividing the property involves being unable to meet all the rules in the Subdivision Regulations. The property has a small area of wetlands which my driveway will have to cross, and it has a perc area further up the hill than I would like since perc tests further down the hill did not pass.

I'm writing this letter to request that we be granted waivers to allow us to continue with the plans to create our lot and build our house. There is another letter from Scott Shanaberger listing the waivers we're requesting and explaining why they are needed.

This property, house and house site are one we've chosen and we strongly wish to build there. We want to comply with as many rules and regulations as possible in doing so, but there are some things about the property I cannot change to make them "fit" the regulation. The plan Mr. Shanaberger has prepared shows where we want our house and driveway, where the perc areas are and where the lot lines will be. We do not wish to change the existing house or driveway entering from Bragdon Wood.

I strongly believe that our development will have positive effect on area's house values. The development will result in future increase of tax revenue for Howard County, while creating needed jobs and tax revenue during the construction process as well.

If you need anything else from me please let me know. Thank you for your consideration.

 Sincerely,

Michael Balakirsky
11755 Bragdon Wood
Clarksville, MD 21029

SHANABERGER & LANE

Surveying • Land Planning • Construction Stakeout

August 19, 2013

Mr. Kent Sheubrooks, Chief
Division of Land Development
Howard County Department of Planning and Zoning
3430 George Howard Drive
Ellicott City, MD 21043

re: waiver request, Balakirsky Property
11755 Bragdon Wood

Dear Mr. Sheubrooks:

This letter accompanies a request for waivers of 5 sections of the Subdivision and Land Development Regulations in order to develop the Balakirsky Property at 11755 Bragdon Wood. The property, the physical characteristics of the property, and difficulties perc testing the property were discussed at a meeting held at DPZ on February 6, 2013. Attendees were yourself, Chad Edmondson, Michael Balakirsky, Craig Stewart, and myself. At that time the property was known as the Hinkson Property. It has since been purchased by Mr. Balakirsky.

The 5 sections from which we seek waivers are:

1. **Section 16.120.(b)(4)(i)** To allow lots not having a regular rectangular shape.
2. **Section 16.120.(b)(4)(iii)** To allow wetlands, streams, buffers, and forest conservation easements on lots under 10 acres.
3. **Section 16.120.(c)(2)** To allow a single-family detached dwelling on a residential lot with no frontage on a public road.
4. **Section 16.116.a.(1)** To allow grading, removal of vegetative cover, paving within 25 feet of a wetland for necessary disturbance.
5. **Section 16.116.a.(3)** To allow locating wetlands, streams, and buffers on a residential lot less than 10 acres in size.

Deed History and Property Boundary –

The Balakirsky Property is comprised of 3 parcels, all of which have to the best of my understanding been merged into one parcel by deed conveyances. Mr. Balakirsky's title deed is recorded in Liber 14885, Folio 154. It describes a 5-acre parcel conveyed in 1948, a 1-acre parcel added on in 1968, and an 0.118 acre parcel added on in 1988.

The 5-acre parcel is the main body of the property and is generally rectangular. It has no road frontage, and the existing house on it is served by a private driveway leading to Bragdon Wood which intersects Route 108. The right-of-way for this private driveway is recorded in Liber 208, Folio 470.

The 1-acre parcel was added in 1968 and is a long strip about 56 feet wide along the southwest side of the 5-acre parcel. Since there was already enough room and good soil on the property to allow a perc area and well site for a house, it appears that the 1-acre parcel was added in order to bring the property up to 6 acres in size.

The 0.118-acre parcel was added in 1988 around the time of the subdivision of Chapel Woods II, F-88-231. It was clearly conveyed to the property owners at that time, Patrick and Louise Hinkson, to provide their property with road frontage on Chapel Estates Drive, a road to be constructed in connection with F-88-231. Although the existing house on the Hinkson property already used a private driveway out to Bragdon Wood, and although it would be very difficult to build a driveway from the existing house to Chapel Woods Drive, conveyance of this 50-foot-wide fee simple strip from the Hinkson property to Chapel Estates Drive satisfied the County requirement of 50 feet of road frontage for a strip of land providing access to more than one lot. In other words, it appears to have been added not only to provide

fee simple road frontage but also to serve any future lot that might be created out of the main 6 acres of the Hinkson property.

Our firm performed a boundary survey of the Balakirsky property earlier in 2013 and found that the main part of the property contains 6.0826 acres, the 50-foot strip contains 0.1183 acres, for a total acreage of 6.2009 acres. The property and the area around it are well defined by existing corner markers.

House and Improvements –

According to records of the State Department of Assessment and Taxation the existing house on the Balakirsky Property was built in 1979. It has always been served by the existing driveway out to Bragdon Wood, and the house address is 11755 Bragdon Wood.

There are 2 existing wells on the property near the existing house, one of which will have to be abandoned prior to Final Plat approval by the Health Department. There is an existing septic system serving the house which will have to be replaced prior to Health Department approval of the Final Plat.

Environmental Constraints –

The existing house is near the top of a rather flat ridge and the area around the existing house is fairly flat. The house is near the southeast end of the property. The property to the northwest of the house is quite steep. Although there are no large areas of contiguous slopes exceeding 25%, there are smaller areas of the property which are that steep, and a large part of the property exceeds 15% in slope.

There is a well-defined swale through the middle of the property leading from southeast to northwest which flattens out and disappears near the base of the hill. It is not a stream or wetland per a June 5, 2013 site investigation by EcoScience Professionals. There is no proposed disturbance to this swale.

There is a an intermittent stream though the western corner of the property identified by EcoScience Professionals, and an area of wetlands along the east side of the stream. There is no proposed disturbance to this stream or wetland area or their respective buffers.

There is another wetland area crossing the 50-foot strip of land leading from the main part of the property to Chapel Estates Drive. Disturbance of this wetland and its buffer are necessary to construct a driveway into the property. Wetlands in this area were previously identified on Sheet 9 of 15 of the Road Construction Plans for F-88-231 which were signed in March, 1989.

There is an existing 20-foot Drainage and Utility Easement crossing the 50-foot strip which was created in the deed for that strip in 1988.

Most of the property is wooded, with the exception of the area around the existing house.

Perc Test Results –

An initial attempt at dividing the 6-acre main portion of the property into 2 rectangular 3-acre lots was made by striking a line from southwest to northeast through the middle of the property. However, 8 perc tests done on the lower of the 2 lots were unsuccessful due to rock or water conditions. An area of about 26,000 square feet of approvable perc area was found further uphill on the southeastern part of the property outside all applicable well radii. When a lot line is struck through this large approvable perc area and the required 10-foot setbacks from septic area to property line are applied there is about 21,600 square feet of approvable area left for 2 lots.

Specimen Trees –

There are 10 specimen trees located on the site per Eco-Science Professionals. There is no cutting of specimen trees proposed.

Reasons Waivers are sought, and Justifications -

The irregular lot shape is caused solely by perc test results. The Owner, the surveyor, and the County would all rather see two 3-acre lots in more rectangular shapes. Presence of rock and water in perc tests completely prevented such a lot layout, however, and the decision was made during testing to continue to move up the hill and find as much approvable area as possible. Enough area was found to support 2 lots, but it results in an odd lot configuration for Lot 1. However, Lot 1 is the one on which Mr.

Balakirsky wants to build a house for himself, his wife, and his children, and he does not object to the lot shape. He is also aware that the lot will required a pumped septic system and does not object to that. He has a particular house and house site in mind, as shown on the Waiver Plan, and the odd lot shape and uphill septic area do not interfere with his desired house location.

The lack of road frontage for Lot 2 was an existing condition when the house was built, and the house has always had an existing driveway and right-of-way to use. The addition of the 50-foot strip to the property in 1988 provided fee simple road frontage, but did not provide a realistic alternate means of access for the existing house. The existing driveway leaves the house to the northeast, and turning the driveway to the northwest to follow the northern property line and go down the hill to Chapel Estates Drive will result in several hundred feet in which the driveway is in severe cut due to some of the existing slopes on that side of the property which exceed 20% in places. Were a new driveway built from Chapel Estates Drive near the southwestern property line the cut and fill slopes would be less severe, but it would result in an undesirable driveway alignment near the existing house. The existing driveway leaves the house and goes north, and it would have to turn 180 degrees through either the front yard or rear yard of the existing house, head south, and then begin the descent to Chapel Woods Drive along the southwest property line.

The existence of wetlands and streams on the property was known and shown on Road Construction Plans for F-88-231, and it is reasonable to assume both the wetlands and streams existing long before that. Disturbance of the wetlands and streams was allowed for construction of Chapel Estates Drive per F-88-231. Further disturbance of wetlands was allowed for continuation of Chapel Estates Drive through Chapel Woods III (F-96-05) as shown on Sheet 3 of 7 of the Road Construction Drawings for F-96-05.

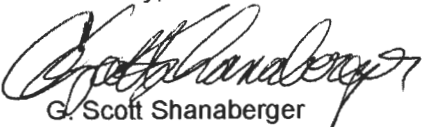
Conveyance of the 50-foot strip in 1988 to provide road frontage for the Balakirsky property was known to cross a wetland area as shown on F-88-231, and disturbance of the wetlands in that 50-foot strip was foreseeable. It was and is disturbance that is necessary to provide access to the property.

There is no corresponding need to disturb the existing stream or stream buffer, however. He proposed house and driveway layout avoids them, and avoids all specimen trees as well.

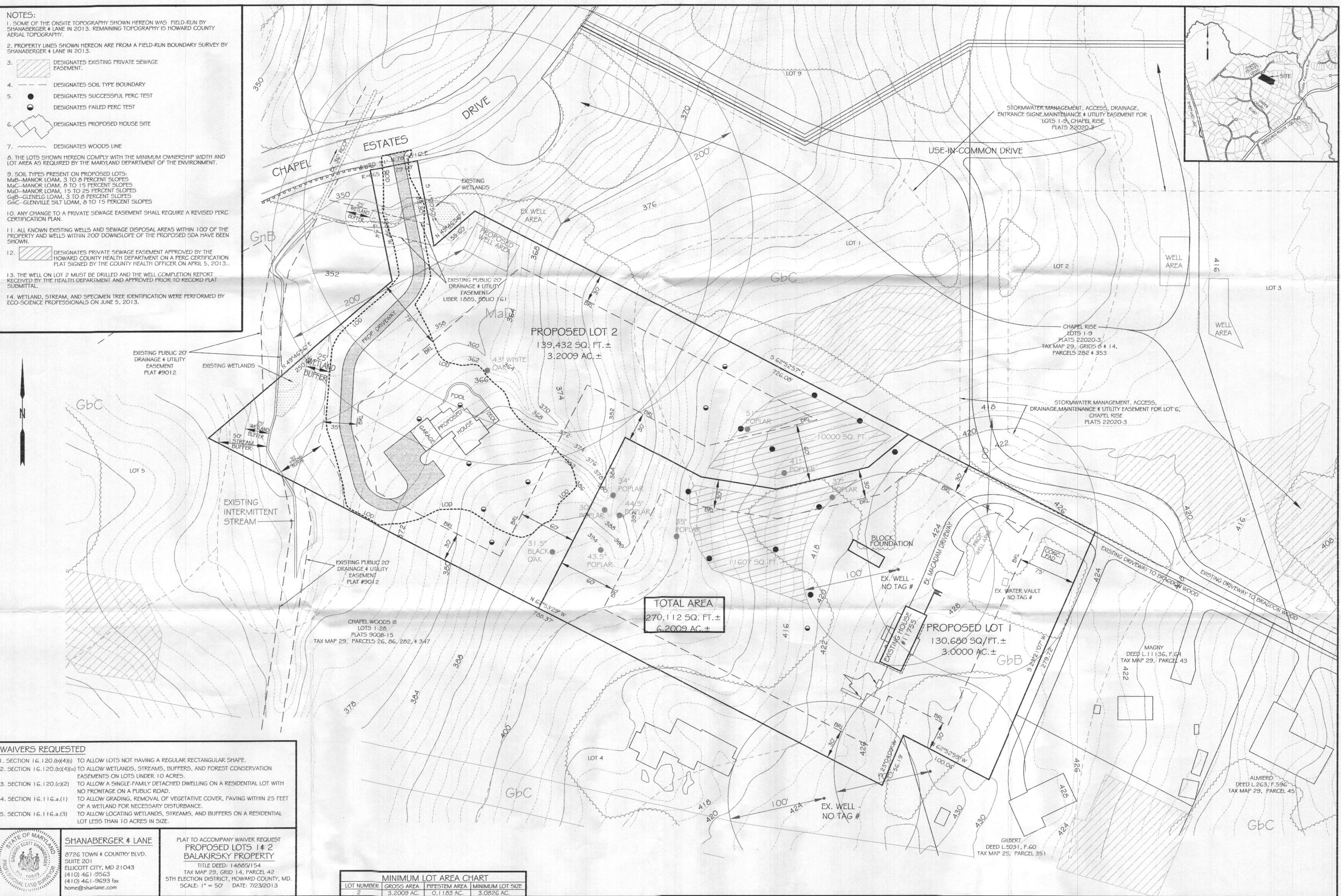
Mr. Balakirsky has been aware of potential issues involving perc testing, lot area, road access, and environmental features since he first was interested in purchasing the property. The lot area issues and perc testing issues have already been surmounted with the current plan of subdivision. The February 6, 2013 meeting was attended by Mr. Balakirsky, his architect, his surveyor, and representatives from DLD and DED, and featured discussion of the environmental issues and site constraints for a full hour. Lot 2 is not a lot being created to be put on the market and sold to buyers who may or may not understand the ramifications of building an uphill septic system, constructing a driveway across a wetland area, or constructing a house and driveway while avoiding buffers and avoiding disturbance of the defined swale through the site. Lot 2 is being created to suit the desires of the owner who wishes to live there in a way that respects the intentions of the Subdivision Regulations as much as possible. The plan of subdivision presented involves the least amount of impact possible to environmental features, the vest available way to meet Health Department requirements, and still preserves Mr. Balakirsky's desired house, house site, and driveway orientation. None of the hardships involved are self-imposed.

For these reasons I believe granting waivers of these 5 subsections is warranted and doesn't undermine the intentions of the regulations. If you need anything else from me please let me know. Thank you for your consideration.

Sincerely,


G. Scott Shanaberger
Professional LS #10849

- NOTES:**
- SOME OF THE ONSITE TOPOGRAPHY SHOWN HEREON WAS FIELD-RUN BY SHANABERGER & LANE IN 2013. REMAINING TOPOGRAPHY IS HOWARD COUNTY AERIAL TOPOGRAPHY.
 - PROPERTY LINES SHOWN HEREON ARE FROM A FIELD-RUN BOUNDARY SURVEY BY SHANABERGER & LANE IN 2013.
 - DESIGNATES EXISTING PRIVATE SEWAGE EASEMENT.
 - DESIGNATES SOIL TYPE BOUNDARY
 - DESIGNATES SUCCESSFUL PERC TEST
DESIGNATES FAILED PERC TEST
 - DESIGNATES PROPOSED HOUSE SITE
 - DESIGNATES WOODS LINE
 - THE LOTS SHOWN HEREON COMPLY WITH THE MINIMUM OWNERSHIP WIDTH AND LOT AREA AS REQUIRED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
 - SOIL TYPES PRESENT ON PROPOSED LOTS:
MaB-MANOR LOAM, 3 TO 8 PERCENT SLOPES
MaC-MANOR LOAM, 8 TO 15 PERCENT SLOPES
MdB-MANOR LOAM, 15 TO 25 PERCENT SLOPES
GbB-GLENELG LOAM, 3 TO 8 PERCENT SLOPES
GmC-GLENVILLE SILT LOAM, 8 TO 15 PERCENT SLOPES
 - ANY CHANGE TO A PRIVATE SEWAGE EASEMENT SHALL REQUIRE A REVISED PERC CERTIFICATION PLAN.
 - ALL KNOWN EXISTING WELLS AND SEWAGE DISPOSAL AREAS WITHIN 100' OF THE PROPERTY AND WELLS WITHIN 200' DOWNSLOPE OF THE PROPOSED SDA HAVE BEEN SHOWN.
 - DESIGNATES PRIVATE SEWAGE EASEMENT APPROVED BY THE HOWARD COUNTY HEALTH DEPARTMENT ON A PERC CERTIFICATION PLAN SIGNED BY THE COUNTY HEALTH OFFICER ON APRIL 5, 2013.
 - THE WELL ON LOT 2 MUST BE DRILLED AND THE WELL COMPLETION REPORT RECEIVED BY THE HEALTH DEPARTMENT AND APPROVED PRIOR TO RECORD PLAT SUBMITTAL.
 - WETLAND, STREAM, AND SPECIMEN TREE IDENTIFICATION WERE PERFORMED BY ECO-SCIENCE PROFESSIONALS ON JUNE 5, 2013.



- WAIVERS REQUESTED**
- SECTION 16.120.(b)(4)(i) TO ALLOW LOTS NOT HAVING A REGULAR RECTANGULAR SHAPE.
 - SECTION 16.120.(b)(4)(iii) TO ALLOW WETLANDS, STREAMS, BUFFERS, AND FOREST CONSERVATION EASEMENTS ON LOTS UNDER 10 ACRES.
 - SECTION 16.120.(c)(2) TO ALLOW A SINGLE-FAMILY DETACHED DWELLING ON A RESIDENTIAL LOT WITH NO FRONTAGE ON A PUBLIC ROAD.
 - SECTION 16.116.a.(1) TO ALLOW GRADING, REMOVAL OF VEGETATIVE COVER, PAVING WITHIN 25 FEET OF A WETLAND FOR NECESSARY DISTURBANCE.
 - SECTION 16.116.a.(3) TO ALLOW LOCATING WETLANDS, STREAMS, AND BUFFERS ON A RESIDENTIAL LOT LESS THAN 10 ACRES IN SIZE.

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 home@shanelane.com

PLAT TO ACCOMPANY WAIVER REQUEST
PROPOSED LOTS 1 & 2
BALAKIRSKY PROPERTY
 TITLE DEED: 14885/154
 TAX MAP 29, GRID 14, PARCEL 42
 5TH ELECTION DISTRICT, HOWARD COUNTY, MD.
 SCALE: 1" = 50' DATE: 7/23/2013

MINIMUM LOT AREA CHART			
LOT NUMBER	GROSS AREA	PIPESTEM AREA	MINIMUM LOT SIZE
2	3.2009 AC.	0.1183 AC.	3.0826 AC.

