

Maura J. Rossman, M.D., Health Officer

**APPLICATION FOR VARIANCE
TO COMAR ONSITE WATER/SEWER FOR MDE APPROVAL**

Date Submitted _____

2730 Jennings Chapel Road;

Property Address

Savage Property (proposed)

1

13

109(P.1)

04-327268

Subdivision

Lot

Tax Map

Grid

Parcel

Tax Account #

Provide a brief site history including previously submitted and active plans with the Health Department or the County (subdivision plans, perc test applications, Building Permit applications):

Percolation Certification Plan (active, proposed subdivision)

In the area below, list the specific section of the Code of Maryland Regulations (COMAR) to which a variance is being requested and provide a brief summary of the regulation and an explanation of why the variance is being requested (Attach a separate sheet if necessary).

Regulation Section

Summary and Explanation

1. COMAR 26.04.02.05.B.(2)

Specifies that on-site sewage disposal system is to be located downgradient from a private water well.

2. _____

Property Owner's Signature

Health Department Use Only

Reviewed by

HCHD Staff

Date

Recommendation:

Recommended

Not Recommended

HCHD Supervisor

Date

Comments/Conditions:

Lot 1 well is planned downgradient of septic system trench at 2724 Jennings Chapel Road. Well is planned more than 200 feet from the documented location of the trench. The well must be installed as steel casing to a depth of 50 feet, or 10 feet into competent rock, whichever is deeper.

Approved by:

MDE Representative

Date

1/4/90
10:20 P.M.
P.M.

PERMIT

Files

1/4/91 P.C.O.

SEWAGE DISPOSAL SYSTEM 04-318194

P 46743

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

A REPAIR

DISTRICT _____

DATE 1/9/90

DATE SYSTEM APPROVED 1/4/91

INSPECTOR C.B.D.

HOWARD COUNTY HEALTH DEPARTMENT
BUREAU OF ENVIRONMENTAL HEALTH
461-9933

INDEXED

Arnold Backhoe & Septic Services, Inc. IS PERMITTED TO INSTALL ALTER

ADDRESS P. O. Box 15, Woodbine, Maryland 21797 PHONE 795-7873

SUBDIVISION _____ LOT _____ ROAD 2724 Jennings Chapel Road

PROPERTY OWNER Paul Brosenne

ADDRESS 2724 Jennings Chapel Road
Woodbine, Maryland 21797

SEPTIC TANK CAPACITY 1000 GALLONS

NUMBER OF BEDROOMS 3

175 SQUARE FEET PER BEDROOM

LINEAR FEET OF TRENCH REQUIRED 75'

REPAIR - SEPTIC SYSTEM NOT FUNCTIONING. Call for inspection when ground is opened so
sanitarian can recommend repair.

*Recommend 75 Trenches; 2' wide, 10' deep, 75' long
Install 3'± below O.G. - off dry well 33'± down
2' of stone below pipe 05525 with top
1/4/91 C.B.D. for about that area*

PLANS APPROVED BY C. Williams DATE 1/03/90

COVER NO WORK UNTIL INSPECTED AND APPROVED

NEITHER THE HOWARD COUNTY COUNCIL NOR THE HEALTH DEPARTMENT IS RESPONSIBLE FOR THE SUCCESSFUL OPERATION OF ANY SYSTEM

NOTE: CLEANOUT REQUIRED EVERY 70 FEET OF SEWER LINE AND/OR AT 90° SWEEPS IN LINES FROM HOUSE TO DRAIN FIELDS, 90° ELBOWS NOT ACCEPTABLE.

NOTE: ALL PARTS OF SEPTIC SYSTEMS (I.E. TANK, DISTRIBUTION BOX TRENCHES) TO BE 100 FEET FROM WELL (UNLESS OTHERWISE SPECIFICALLY AUTHORIZED)

NOTE: IF DEEP TRENCH(ES) ARE USED CALL FOR INSPECTION BEFORE AND AFTER PLACING GRAVEL IN TRENCH(ES)

NOTE: NO DRY WELL SHALL EXCEED 15 FOOT IN DIAMETER NO ABSORPTION TRENCH TO EXCEED 100 FEET IN LENGTH

NOTE: ALL PIPE FROM HOUSE TO SEPTIC TANK MUST BE CAST IRON OR SCHEDULE 35/40 PVC OR ABS

PERMIT VOID AFTER TWO YEARS

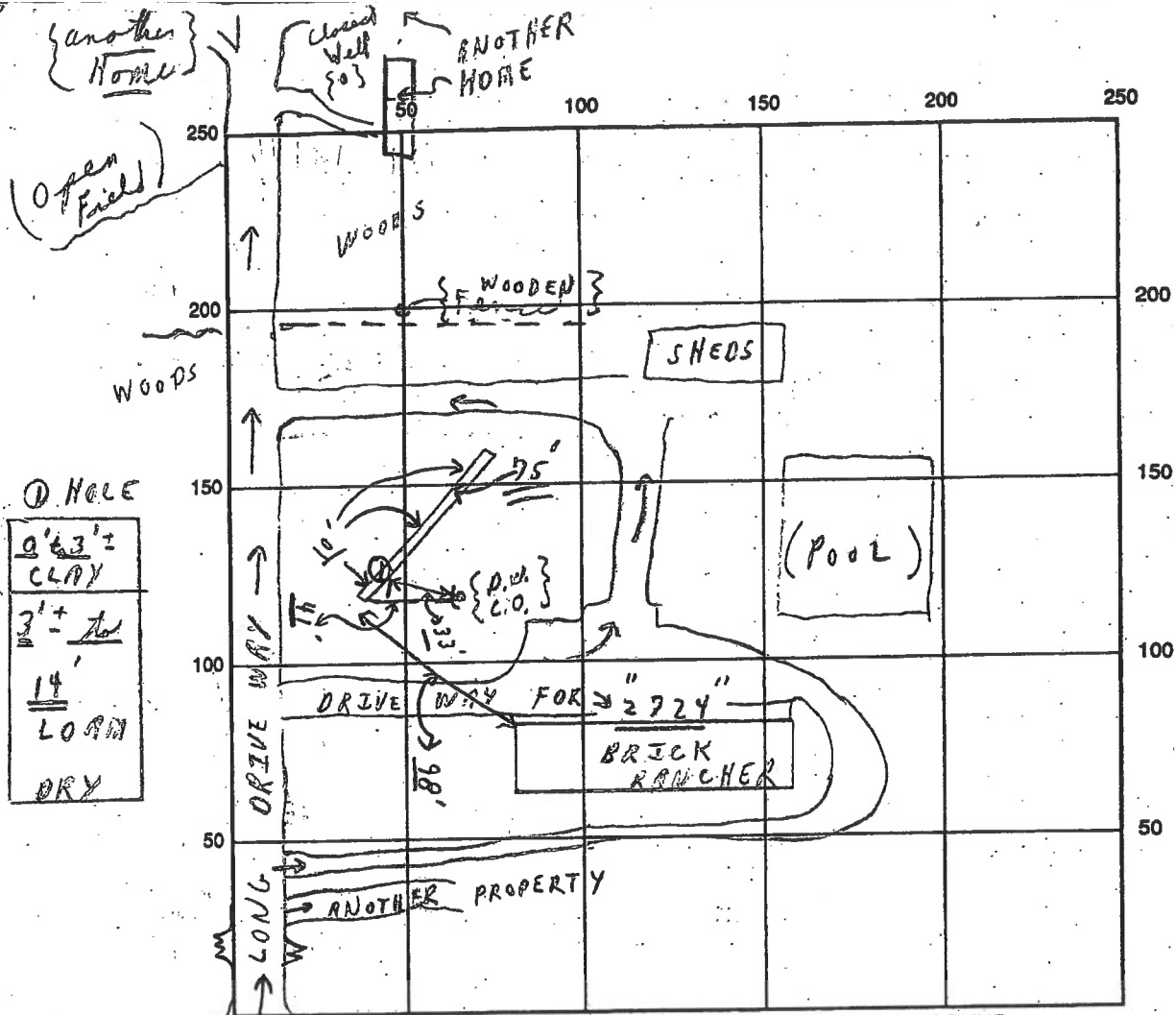
NOTE: INSTALL STAND PIPE ON SEPTIC TANK AND DRY WELL STAND PIPES MUST BE 6 INCHES IN DIAMETER CAST IRON, CONCRETE OR TERRA COTTA OR PVA OR ABS ACCEPTED. IF TOP OF SEPTIC TANK IS DEEPER THAN 3 FEET, MANHOLE TO GRADE REQUIRED.

NOTE: DISTRIBUTION BOXES MUST HAVE BAFFLES

***INSTALLER IS RESPONSIBLE FOR OBTAINING FINAL APPROVAL ON THIS PERMIT**

CALL 461-9933 FOR INSPECTION OF SEPTIC SYSTEM.

P 46743



- ① HOLE
- | |
|---------|
| 0'63" = |
| CLAY |
| 3' + to |
| 14' |
| LOAM |
| DRY |

INDICATE NORTH - NAME ADJOINING ROADWAY AS BASE LINE
JENNINGS CHAPEL ROAD

SEPTIC TANK LEVEL Existing CLEANOUTS (Existing D.W. OK)

DISTRIBUTION BOX LEVEL { TO USE EXISTING DRYWELL }

DRAIN FIELD/TITLE DEPTH 10 FT. TRENCH WIDTH 2 FT. INLET DEPTH 3 FT.

EFFECTIVE GRAVEL DEPTH 7 + FT. TOTAL LENGTH 75 + FT.

NUMBER OF TRENCHES 1 ONE SIDEWALL/~~BOX~~ AREA 52.5 SQ. FT. { Plus old dry well }

DRYWALL INSIDE DIAMETER — FT. EFFECTIVE DEPTH BELOW INLET — FT.

ABSORBENT AREA 525 + SQ. FT. { Plus old dry well }

REMARKS: A.M. 1/4/91 Located 1 hole, visual - observed; 1 trench
to come off existing dry well. OK
P.M. - Trench - ok to finish & cover as complete;
(2/3 complete + material on site)

DATE SYSTEM APPROVED 1/4/91 INSPECTOR Charles Bryan Steed

APPLICATION

A 11943
P _____

SEWAGE DISPOSAL TESTING

MARYLAND STATE DEPARTMENT OF HEALTH

HOWARD COUNTY

ELLICOTT CITY

DISTRICT 4

DATE 6/27/66

Septic Tank - 750 gal

Dry Well - 416 sqft absorbent sidewall area below the inlet pipe

Place Dry Well 40ft behind right rear corner of house as seen when facing from the dirt driveway.

TO: THE COUNTY HEALTH OFFICER
ELLICOTT CITY, MARYLAND

I, HEREBY, APPLY FOR THE NECESSARY TESTS IN ORDER TO CONSTRUCT (OR RECONSTRUCT) A SEWAGE DISPOSAL SYSTEM.

PROPERTY OWNER Herman Sirk

ADDRESS Annapolis Rock Rd., Woodbine, Md. PHONE HU 9-4724

PROPERTY LOCATION:

SUBDIVISION _____ LOT NO. _____

ROAD AND DESCRIPTION Jennings Chapel Rd. - approx. 1 mile south from Florence Rd. end - look for sign says "Sirk"

OCCUPANT _____ PHONE _____

PERSON TO CONSTRUCT SYSTEM _____

ADDRESS _____ PHONE _____

SIZE OF LOT 1 acre TYPE BLDG. Existing house
NUMBER OF BEDROOMS 2

IF NOT SINGLE RESIDENCE DESCRIBE: _____

SIGNATURE OF APPLICANT Herman Sirk

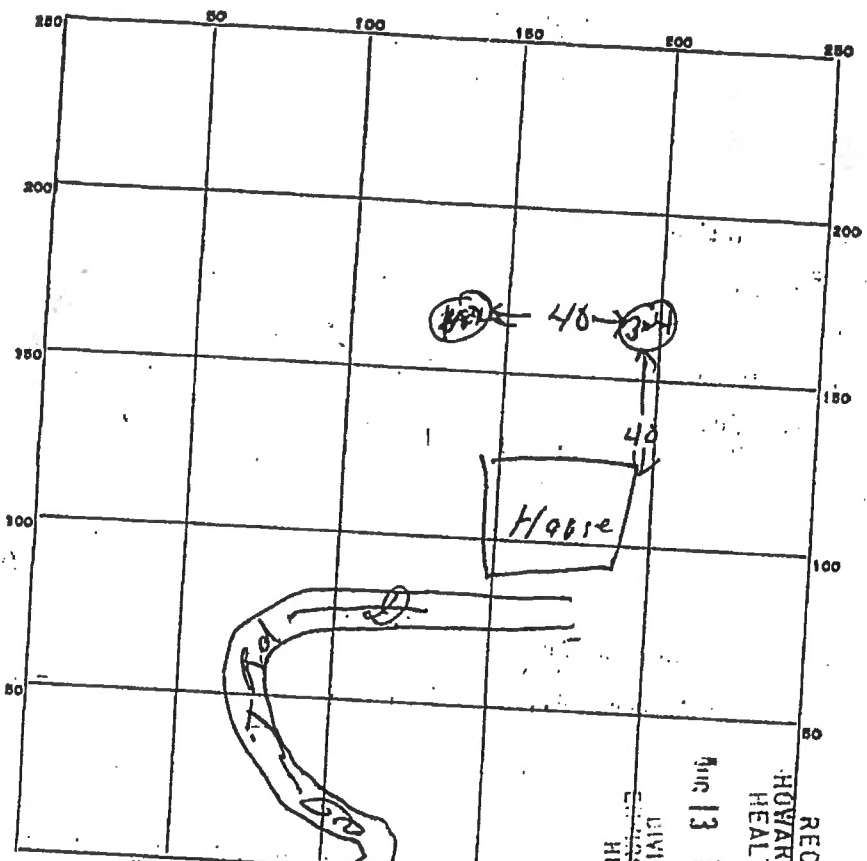
✓ APPROVED BY Donald W. Mought FOR Dry Well DATE 6-29-66
(KIND OF SYSTEM)

REJECTED BY _____ FOR _____ DATE _____
(KIND OF SYSTEM)

HOLD PENDING FURTHER TESTS _____ DATE _____

REASONS FOR REJECTION OR HOLDING _____

THIS IS NOT A PERMIT



INDICATE NORTH. - NAME ADJOINING ROADWAY AS BASE LINE

Jenny Chapel Rd

DATE	TEST NO.	DEPTH	PRE-WET		TEST - 1" DROP		TIME
			START	STOP	START	STOP	
4/29/66	1	3 1/2 ft	11 00	11 00	11 06	11 20	
	2	9 ft	11 00	11 10	11 10	11 30	14 min
	3	3 3/4 ft	11 02	11 08	11 08	11 30	26 min
	4	9 ft	11 02	11 05	11 05	11 11	22 min
							6 min

SOIL AUGER FINDING _____

TESTED BY *[Signature]*

REMARKS *2 1/2 mi long from Jenny Chapel Rd*

also found 6/19/66

Shuman Dick

Howard County Department of Planning and Zoning
 Division of Land Development

ALTERNATIVE COMPLIANCE APPLICATION

[Alternative Compliance from Subdivision and Land Development Regulations]

Date Submitted/Accepted _____ DPZ File Number WP 20055

I. Site Description

Subdivision Name/Property Identification: Severe Property
 Location of property: 2730 Jennings Chapel Rd
(Street Address and/or Road Name)

Residential
(Existing Use)

Residential
(Proposed Use)

13
(Tax Map No.)

21
(Grid/Block No.)

109 - Par 1 04-327268
109 - Par 2 04-601647 4th
(Parcel No.) (Election District)

RC-DEO
(Zoning District)

Parcel 1 - 36.51 Ac.
Parcel 2 - 1.79 Ac.
(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, alternative compliance petitions, etc.)

See attached summary & justification

II. Alternative Compliance 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 alternative compliances 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 an alternative compliance is being requested and provide a summary of the regulation. Attach a separate sheet if additional information is appropriate.

Section Reference No.	Summary of Regulation
1. <u>16.147</u>	<u>Final Subdivision Plan and Final Plat</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

III. *Justification*

All alternative compliance 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 through the implementation of the alternative proposal.
- c. Substantiate that approval of the alternative compliance will not be detrimental to the public interests.
- d. Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.

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

IV. *Pre-Submission Meeting Requirements*

- a. **Community Meeting Requirement, if applicable** - 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 all new non-residential development or an existing non-residential development which is proposed for a floor area expansion of more than 25%, except County Capital Projects which hold a community outreach meeting, in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for alternative compliance of the site development plan requirement. 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.

Certification that the meeting notices were mailed to all adjoining property owners and any community association that represents the geographic area, and the principal and Parent-Teacher Association (PTA) president for each school with an attendance area that includes the subject property. Projects in Downtown Columbia must also notify each Village Board, the Columbia Association and each property owner located within the same Downtown Columbia Plan neighborhood.

Verification that the meeting notices were emailed to any citizen and community association registered online with Howard County. List of meeting attendees. Copy of the meeting minutes and written responses to the meeting attendees' questions. Verification that the meeting minutes and responses were sent within **30 days to all meeting attendees either by mail or email.**

****Please contact the Division of Land Development regarding the applicability of this requirement.**

- b. **HPC Meeting Requirement, if applicable** - A pre-submission advisory meeting with the Historic Preservation 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 HPC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HPC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**

- c. **MAA Meeting Requirement, if applicable** - 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 alternative compliance 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 alternative compliance application.

- d. **Design Advisory Panel (DAP), if applicable** – A pre-submission advisory meeting with the Design Advisory Panel is required for all new site development plans submitted 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 in accordance with Sections 16.1501 and 16.1504 of the Howard County Code, and for new development or redevelopment projects on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual in accordance with Section 16.1501 of the Howard County Code, and for all new SDP's for new developments or redevelopment projects located within the Downtown Columbia Revitalization area in accordance with Section 125.0 of the Zoning Regulations. Additionally, a DAP meeting is required for the 'R-H-ED', 'R-APT', 'BRX', 'CEF' and 'CR' zoning districts in accordance with the 10/6/13 Comprehensive Zoning Regulations. 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 recommendation to DPZ along with the development plan application submission, if applicable.

V. Plan Exhibit

A. Number of Copies Required

The alternative compliance application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed alternative compliance application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road**).

In instances where the alternative compliance 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 <https://howardcountymd.gov/Departments/Planning-and-Zoning/Land-Development>.

B. Plan Requirement Checklist

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

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

- ✓ 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- ✓ 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- ✓ 3. North arrow and scale of plan.
- ✓ 4. Location, extent, boundary lines and area of any proposed lots.
- ✓ 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.
- ✓ 6. Delineation of building setback lines.
 - ✓ 7. Delineation of all existing public road and/or proposed street systems.
 - ✓ 8. Identification and location of all easements.
 - ✓ 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.
 - NA 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.
 - ✓ 11. Any additional information to allow proper evaluation (e.g. for alternative compliance to wetland buffers an alternative analysis and mitigation proposal are needed; for alternative compliance to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for alternative compliance of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
 - ✓ 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the alternative compliance request.
 - ✓ 13. The exhibit plans should be highlighted to accurately illustrate the requested alternative compliance(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
 - ✓ 14. Submit 2 sets of photographs for all existing on-site structures.
 - ✓ 15. Identify the location of any existing wells and/or private septic systems.

NA 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.

NA 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.

- ✓ 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.**

NA 19. Please complete the following:

A pre-submission meeting was held with DPZ on _____ with
 _____ [date], if applicable.
 [DPZ, Director, DLD Division Chief or other SRC representatives]

VI. Fees

The Alternative Compliance 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 application for resubmittal and re-review. For more information or questions, contact DPZ at (410) 313-2350.

VII. 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 provide an alternative compliance request of 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 *

Mark Levy
(Signature of Property Owner)
(Fee Simple Owner Only)

11/25/19
(Date)

John Carney
(Signature of Petition Preparer) *

12/3/19
(Date)

Mark Levy Member SRNL, LLC

John Carney for:

SRNL, LLC
(Name of Property Owner)

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

6800 Deerpath Rd, Ste 100
(Address)

8480 Tsaltimore National PK
Suite 315
Address)

Elkridge MD 21075
(City, State, Zip Code)

Ellicott City MD 21043
(City, State, Zip Code)

E-Mail amvimal@aol.com

E-Mail be@be-civilengineering.com

410 579 2442 x2000
(Telephone) (Fax)

410465 6105 410465 6644
(Telephone) (Fax)

Contact Person: Mark Levy

Contact Person: John Carney

Howard County Department of Planning and Zoning
Division of Land Development

**INITIAL SUBMISSION
ALTERNATIVE COMPLIANCE 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 HPC advisory meeting for new projects in Historic District or listed in Historic Sites Inventory, if applicable..... _____
 - 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 alternative compliance sections requested _____
- * Base Fee for first two alternative compliance sections (**\$450**)..... _____
- Fee for each additional alternative compliance section (___ additional alternative compliances 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 _____

___ Alternative Compliance application is accepted for processing.

___ Scheduled SRC meeting date.

___ Alternative Compliance application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

Alternative Compliance Justification

Summary of Alternative Compliance:

Savage Property is two distinct tax assessment parcels. Parcel 1 has a Department of Taxation and Assessment account number of 327268 and is 35.61 acres in size, Parcel 2 has a Department of Taxation and Assessment account number of 601647 and is 1.79 acres in size.

The owner of these two parcels wishes to reconfigure the common property lines between the parcels through the adjoiner process rather than through the subdivision process. The developer wishes to widen Parcel 2 to allow for a better house siting on Parcel 2; to allow for an approvable 10,000 sf sewage disposal area on Parcel 2; to comply with the 3:1 lot depth to width ratio; and to achieve the 100' minimum width at the building restriction line required by COMAR section 26.04.03.03. These two land locked parcels will continue to be accessed as they are currently.

As the parcels are currently configured Parcel 1, the 35.61 acre parcel, contains streams, wetlands, their buffers, floodplain, steep slopes and forest. Parcel 2, the 1.79 acre parcel, does not contain streams, wetlands, their buffers, floodplain, steep slopes, specimen trees, or forest. The reconfiguration of these parcels will not change the sizes of the two parcels. Also, the reconfiguration will not result in sensitive features being included on a parcel less than 10 acres.

The developer has submitted an approved Percolation Certification Plan to the Bureau of Environmental Health in order to make the reconfigured parcels buildable.

The reconfiguration of the two parcels will not result in additional dwelling units. The reconfigured Parcel 2 would have a size that is below the threshold for eligibility of subdivision as specified in Zoning Regulations section 104.0.D. Parcel 1 will have a size that will allow for cluster development in accordance with Zoning Regulations section 104.0.D.3, the Tier IV designation will limit the future development potential to a four-lot minor subdivision.

The parcels will be better designed. The improvements resulting in the reconfiguration including each parcel having a septic reserve area in compliance with the county and state regulations, better lot depth to width ratio, wider building envelope and well sites that meet the county requirements. An additional improvement will be the setback to the adjoining Asbury Property subdivision, in particular the setback to the farm driveway. The reconfiguration could result in the new dwelling being setback an additional 42.4' depending on the final house size and shape. The reconfigured parcel outlines will allow for greater flexibility in the house location, size, and driveway orientation.

The property development is proposed within the guidelines of the Howard County Zoning Regulations and the Subdivision and Land Development Regulations to create lots that are more in line with the regulations. The property has several unique

features that make the development of the parcels, as currently configured, less desirable. The developer wishes to revise the internal lot lines to reconfigure these two parcels so that more of the County regulations can be met to a greater extent than current conditions. This reconfiguration does not impact any sensitive environmental features, specimen trees or forest.

The reconfiguration will not decrease the size of parcels 1 and 2. Parcel 2 is currently less than 3.0 acres and the reconfiguration will not decrease them below its current size. The reconfiguration will create a building envelope on this parcel that is larger than the current building envelope. The building envelope for Parcel 1 is not significantly impacted by the reconfiguration.

Sections to be Waived:

Section 16.147 – Final Subdivision Plan and Final Plat

Section 16.147 Justifications:

- a) The extraordinary hardships associated with the protection of final subdivision plan and final plat are the time and costs of processing plans, the delay in being able to sell the parcel and the existing division was done by deeds. The site is surrounded by preservation parcels to the west (Asbury Property HO-90-12-E) to the south (George Boyer Property HO-90-13-E), and to the east (Westwoods of Cherry Grove Environmental Preservation Parcels F-00-105).

The configuration of Parcel 2 is an odd shape. The parcel has a 10 to 1 depth to width ratio; the parcel is less than 100' wide at the building restriction line; and the parcel is located in close proximity to the farm driveway on Asbury Property, Lot 3. The parcel's width eliminates the ability to construct a house that is comparable to the neighborhood, that has a side load garage and greater than 70' width. The narrowness of the parcel, as currently configured, would require the house to be constructed in close proximity to the farm driveway on Asbury Property, Lot 3.

- b) The intent of the regulations is met by the owner reconfiguring Parcel 2 to provide a parcel with a lot width greater than 100' at the building restriction line, a depth to width ratio close to the Subdivision and Land Development Regulations target, and a building envelop that can provide a house and side entry garage that is in comparable to the other houses in the neighborhood. The intent of the regulations is met by the reconfigured parcel having a greater separation distance to the driveway on Asbury Property, Lot 3, this will provide that owner greater privacy and less visual impact.

The new configuration will allow the houses, driveways, stormwater features and grading to occur without disturbance to wetlands, streams, their buffers, steep slopes or floodplain.

The developer will complete Environmental Concept Plans that show the obligation and fulfillment of the stormwater requirements. The building permit plans will also show the stormwater management practices designed to treat the obligation.

The owner is processing a Percolation Certification Plan that will allow the parcels to have on-lot private water and sewer systems.

- c) The approval of this waiver is not detrimental to the public interest because the development of this parcel will incorporate all necessary improvement to satisfy the Bureau of Environmental Health to make the lots buildable. The owner is processing a percolation certification plan that should be approvable. The

private well must be drilled prior to building permit issuance and must pass the well yield test.

No new access point to Jennings Chapel Road is proposed.

- d) The approval of this waiver will not nullify the intent of the regulations as the owner will still need to comply with the forest conservation act, Stormwater Act, COMAR and the Zoning Code for Howard County. The owner will have to complete Environmental Concept plans for each individual house and treat the impervious created by the development. The developer will have to submit building permit plans in order to be able to construct the houses. Any further division of Parcel 1 will have to be processed through Howard County, Department of Planning and Zoning in order to be approved for further development.

The reconfiguration of the lot lines will allow for a subdivision that is more in conformance with the current Zoning Regulations and Subdivision and Land Development Regulations with regards to lot width, depth to width ratio and buildable area. The reconfiguration is necessary to provide area for the approved septic disposal areas and building envelope.