

(no subject)

1 message

Katherine Kirkland <kkirkland2632@gmail.com>

To: Holly Colby <zhcolb22@aacounty.org>

Mon, Sep 11, 2023 at 6:44 AM

PRO. EXHIBIT# 1
CASE: 0003-0129-V
DATE: 9/19/23

Anne Arundel County
Office of Administrative Hearings
Arundel Center
Annapolis, MD 21404
Sent via email to Holly Colby zhcolb22@aacounty.org

RE: Lisiewski request for variance 19 2023-0129-V (AD 2, CD 6)

I own the home at 101 Wallace Manor Drive, Edgewater, MD 21037. I received the notice of request for variance for 103 Wallace Manor Road on August 21, 2023. I was interested to read in the memorandum from Hala Flores dated April 24, 2023 that there should be a common access agreement regarding the shared driveway. No one representing Mr. Lisiewski has ever contacted me prior to a response to an email I sent Mr. Lisiewski on August 21, 2023.

I would like to express my strenuous objections to the conversion of the "two rut" easement into a full driveway and access road for the construction of the new home at 103 Wallace Manor. My objections are listed below along with pictures. I appreciate Mr. Lisiewski's investment in the land, but there are two other options that will not impact the steep slope or my property value.

OBJECTIONS:

There are five:

1. **EROSION:** The existing drive runs adjacent to my side yard and is roughly 15' from the house with a 6' drop in elevation to my side yard. That is a very steep slope. The present passageway is very narrow, barely 9 feet across, essentially a one lane, woodland road. While the old use did not constitute an erosion problem when originally created, that was before the Critical Area Legislation. Furthermore, the proposed house will require enlarging the drive to accommodate both construction vehicles and a greatly increased level of traffic.
2. **NOISE:** The new house will probably exceed \$2,000,000 in value. A house with four children that is also designed for entertaining will generate traffic. It would be unrealistic to assume that the owner would settle for a one-lane access with no room for cars to bypass one another. A gravel drive will generate significant noise. While a paved drive would reduce noise, it creates an impervious surface that would exacerbate erosion. This easement was issued before there was any consideration of the Critical Area Legislation.
3. **TREE REMOVAL:** Enlarging the drive will require removing a number of trees with extensive root structures. Some of these trees are within 50' of a steep slope draining into Gingerville Creek.
4. **TAKING:** Creating a drive of uniform width with protection from excessive run-off will require further encroachment on either the Prosser (107) or my (101) land. This is particularly true for the area between the Prosser garage and my guardhouse.

5. DIMINATION OF VALUE: Allowing the construction of the driveway will greatly reduce the curb appeal of my home and the Prosser's.

ALTERNATIVES: There are two alternative methods of getting access to the new home. First is to build the access road on the strip of land specifically laid out when the Purdy's sold the building lot on the road (107). The second is to acquire an easement from Dick Purdy (105) to use his driveway and the cut-over used for access to what was formerly Dori Purdy's property (103). It is an existing drive built to modern specifications that offers none of the deficiencies outlined above. It also has almost zero adverse environmental impact.

COST: I realize that there may be additional costs associated with these options. However, the buyer is a sophisticated and experienced contractor, and these issues were eminently foreseeable. Two of the Wallace Manor neighbors independently offered to purchase the property for \$500,000, which is approximately \$200,000 less than Mr. Lisiewski paid. They/we realized the problems with steep slopes, access, and drainage. Had Mr. Lisiewski contacted us regarding this essential element in his plan, he could have negotiated a solution as part of the purchase.

HISTORY: Originally, I am told that 101, 103, 105 and 107 were all part of one large farm. It was subsequently divided into a series of lots that stretched from the road to the water. At some point, the Purdy family started dividing three of the lots (101, 103 and 105) and adding small cottages.

Dick Purdy lives at 105 and his property extends from the water to the road. At some point prior to 2010, he built a wider graveled drive to his house with a "cut-over" to his mother's house. Dori Purdy was over 100 when she died and presumably this was used as the regular drive. My brother and I can attest that the drive beside my house was sparsely used between 2010 and now. The only improvement I have seen was the addition of some gravel when the house was put on the market in 2018-19. No increase in width was made nor were any trees or even bushes removed. Gravel was also added in 2021 from Wallace Manor to the parking area at 101 by mutual agreement between the Prosser's and me.

At some point, presumably in the 60's based on the age of the Prosser's house, the family sold part of the lot at 103, which was owned by Dori Purdy, to allow a home to be built at 107 Wallace Manor. The lot was configured so that there was driveway access to Dori's house (103).

When my brother bought 101 from Dick Purdy in 2010, he discovered that there had been an illegal subdivision separating the lower (105) house from the upper (101) house site. Dan had to file an amended plat. The subdivision essentially made the bottom half "landlocked". However, it was owned by Dori Purdy (Dick's mother) who also owned 103, so it was a moot point and the 105 driveway has been shared by 103 and 105 regularly since that time.

The written easement and plat shows the easement to be entirely on the 101 lot. However, it was "built" in part on that corner lot (107) now owned by the Prosser's. Attached is the 2012 easement agreement between Daniel Hayes and Colleen Prosser which supports that position.

SUMMARY: I have no objection to the house construction itself. However, expanding the current drive, including the requisite removal of trees and bushes while increasing exponentially the amount of traffic on it will inevitably cause erosion. The increased traffic will decrease the permeability of the drive due to the increased compaction of the soil under the gravel. I therefore request that the County deny that part of the application which requires using the old access road (101) as the driveway for the new construction at 103 Wallace Manor Road.

Sincerely,

Katherine H. Kirkland
101 Wallace Manor Road
Edgewater, MD 21037

Attachments: Four photographs
105 Drive
101 Drive
101 to edge of swale
Notice next to 105 Drive

4 attachments



Notice 1.jpg
3026K



Road toward edge.jpg
3586K



105 drive.jpg
5858K



101 drive.jpg
6500K

NOTICE

AN APPLICATION HAS BEEN FILED FOR VARIANCE TO
ALLOW A DWELLING AND ASSOCIATED
FACILITIES WITH LESS SETBACKS AND BUFFER
THAN REQUIRED AND WITH DISTURBANCE
TO SLOPES OF 15% OR GREATER.

LOCATION: 103 WALLACE MANOR ROAD EDGEWATER

CASE NO: 2023-0129-V

ALFRED & GLYNIS LISIEWSKI

PENDING A PUBLIC ZOOM MEETING. FOR INFO CONTACT
THE ZONING DIVISION AT 410-222-7437 OR VIEW WEBSITE
WWW.AACOUNTY.ORG/ADMINHEAR/INDEX.CFM

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