



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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February 16, 2012

D.R. Horton  
1356 Beverly Road  
McLean, VA 22101  
ATTN: Walter J. O'Connor III

RE: WP-12-026 (Vista Ridge)  
Associated with F-08-136 (Vista Ridge: A resubdivision of  
Lots 1-4, creating lots 5-12 and preservation parcels 'A'  
through 'D')

Dear Mr. O'Connor:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.144(r)(5) and 16.144(r)(6)** which state that failure to pay fees, post monies, sign developer's agreements, provide surety and submit final plans within 180 days of approval shall void previous approvals and the application shall be considered withdrawn and a waiver to **Section 16.144(p) and Section 16.144(q)** which establish deadlines dates to submit payment of fees, posting of financial obligations and the submission of final subdivision plat.

Approval is subject to the following conditions:

1. The Developer must submit Developer's Agreements and any remaining DPW fees and sureties in association with F-08-136 **within 120 days** of waiver approval (**on or before June 15, 2012**) and shall submit final plat originals in association with F-08-136 for signature and recordation **within 180 days** of waiver approval (**on or before August 14, 2012**).
2. The Final Road Construction Plans for F-08-136 must be redlined per SHA required revisions **within 120 days** of waiver approval (**on or before June 15, 2012**).
3. Compliance with the attached DED comments dated January 31, 2012.
4. Compliance with SHA comments concerning road improvements for MD. Route 144.

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The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would require the submission of a new subdivision plat. No site changes would occur with a new subdivision plat or submittal, no new units are proposed and construction will take place within the previously delineated and approved limits of disturbance. The project has already been subject to complete subdivision review and has an established file history. Per the applicant's justification denial of the waiver could also delay the possible sale of available lots. The project has signature approved road construction drawings.

**Detrimental to the Public Interest:**

The extension of deadline dates for the paying of fees, signing developer's agreements and submitting plan originals will not be detrimental to the Public Interest. The subdivision has already been approved and existing home owners are expecting the currently approved plan to be built. Approval of the waiver will also allow current owners to have the use-in-common driveway converted to a public roadway with refuse collection and snowplow service provided to the right-of-way. The SHA has now approved a new road improvement design and has given their permission for this project to move forward.

**Nullifies the Intent or Purpose of the Regulations:**

All SRC review agencies have approved the subdivision and therefore the Intent and Purpose of the Regulations have been upheld through the required review process.

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Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for the time period specified in the conditions of approval or as long as this subdivision remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

**attachments**

KS/TKM/waivers 2011/Vista Ridge WP-12-026 approval 2-16-12

cc: Research  
DED  
SHA  
Benchmark Engineering  
F-08-136 file