



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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FAX 410-313-3467
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October 10, 2012

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

RE: WP-13-036 (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submit final plans within 180 days of approval shall void previous approvals and the application shall be considered withdrawn and a waiver to **Section 16.144(p) and Section 16.144(q)** which establish deadlines dates to submit payment of fees, posting of financial obligations and the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 any remaining DPW fees and sureties in association with F-08-136 within 180 days of waiver approval (**on or before April 8, 2013**) 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 April 8, 2013**).
2. The red-line plans for the Final Road Construction Plans for F-08-136 must be approved prior to the submission of final plat mylars in association with F-08-136.
3. Compliance with any remaining DED comments.
4. Compliance with SHA comments concerning road improvements for MD. Route 144.

NOTE: Contact Carol Stirn at (410) 313-2350 to set up a new original plat appointment within this allotted time period. The applicant is responsible for any processing fee charges that may have occurred since the approval letter was issued for F-08-136.

NOTE: Per the Development Engineering Division, the SWM was approved in accordance with the 2000 Maryland SWM Design Manual Volumes I and II. The grandfathering for the 2000 SWM regulations will expire on May 4, 2013 unless the developer's agreement and all fees are paid. If these items are not addressed by this date, the site will have to be re-designed using the current MDE SWM regulations. This would include a revised plat and road plans.

NOTE: Please submit the Developer's Agreements and fees at least 3 weeks prior to submission of the plat originals to avoid any delay in plat processing. Contact Carol Stirn at (410) 313-2350 to set up a new original plat appointment within this allotted time period. The applicant is responsible for any processing fee charges that may have occurred since the approval letter was issued for F-08-136.

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. The project has signature-approved road construction drawings which were submitted to the Development Engineering Division on September 11, 2012 to be red-lined based on changes to the geometry of the road improvements as agreed upon by the developer and SHA.

Detrimental to the Public Interest:

The extension of deadline dates for the paying of fees and submitting plan originals will not be detrimental to the Public Interest. Per the applicant's justification, "the subdivision has already been approved and existing home owners are expecting the currently approved plan to be built. The plan was revealed to them when they originally settled on their property. The homeowners have voiced their disappointment that the remainder of the subdivision has not yet been completed. 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 (including SHA with July 11, 2012 comments being addressed) and therefore the Intent and Purpose of the Regulations have been upheld through the required review process.

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 above conditions of approval.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachments

KS/TKM/waivers 2012/Vista Ridge WP-13-036 approval 10-10-12

cc: Research
RES
DED
SHA
Zoning-C. Hamilton & A. Merson
Benchmark Engineering
F-08-136 file