



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

April 8, 2013

Lutheran Village at Miller's Grant  
ATTN: Roy Chiavacci  
300 St. Luke Circle  
Westminster, MD. 21158

RE: **WP-10-118 (Lutheran Village at Miller's Grant)**  
**[RECONSIDERATION/CLARIFICATION]**

Dear Mr. Chiavacci:

The Director of the Department of Planning and Zoning considered your request for Reconsideration/Clarification 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 for Reconsideration/Clarification for waiver to **Section 16.156(l)** which requires that within 180 days of Site Development Plan approval the developer shall pay all required fees to the County and if subject to a developer agreement or major facility agreement the developer shall post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements; and **Section 16.144(p)** which requires that all required fees be paid to the County within 120 days of Final Plan approval. It also states that if the Final Plan is subject to a developer agreement, the developer shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements.

**Approval is subject to the following conditions:**

1. All requirements of Section 16.156(l) and Section 16.144(p) in association with SDP-08-075 and F-10-083, including the payment of ALL remaining fees, monies and all other appropriate sureties covering the developer's financial obligation shall be paid to the County PRIOR TO any issuance of any grading or building permit(s). The Developer's Agreement shall be executed and all fees including, but not limited to; fee-in-lieu storm drainage fee, landscape and forest conservation inspection fees, DPW/DED engineering review fee, water and sewer fee, all monies and all sureties, including, but not limited to; landscaping, forest conservation, SWM and water and sewer, shall be due and payable within 90 days of Lutheran Village at Miller's Grant attaining the deposit threshold (State Permit), being cognizant of the May 4, 2017 deadline to complete construction of all SWM devices.
2. An applicable note shall be added to both the plat (Final Plan) and Site Development Plan mylars that outlines this request for Reconsideration/Clarification. This note shall list out date of approval, all Section numbers and shall list out ALL conditions.
3. In order to comply with MDE's Stormwater Management grandfathering requirements, the developer must record the final plat (F-10-083), execute or defer the Developer's Agreement and obtain final signatures on the Site Development Plan (SDP-08-075) prior to May 4, 2013. **Therefore, the developer or applicant shall submit the Final plat originals (F-10-083) for signature and recordation on or before April 12, 2013 and the Site Development Plan originals (SDP-08-075) on or before April 12, 2013.** The applicant shall pay any required

recording fees, plan printing fees and any fees associated with additional sheets added to the plan at the time of plat original submission and site development plan original submission, this includes recording fees associated with the MIHU documents.

4. The applicant must obtain any outstanding approvals or permits from MDE regarding the SWM pond dam safety requirements and/or any other required MDE permit approvals.
5. All proposed SWM practices shown on the Site Development Plan must be constructed by May 4, 2017. If this deadline date is not reached, the grandfathering shall expire and a redesign of the SWM associated with the site development plan drawings will be required.
6. **ADVISORY:** A signature line will be provided on the approval letter for the applicant's (Roy Chiavacci) acknowledgement and acceptance of all stated waiver Reconsideration/Clarification conditions.

\*\*\*\*

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

**Extraordinary hardships or practical difficulties:**

Per COMAR 32.02.01.09 (as administered by the Department of Aging) in order to make application for an "Initial Certificate of Registration", a continuing care retirement community must have 10% entrance fees deposits on hand for 65% of the total number of residential units to be occupied. In addition, current financing requirements call for 75% deposits to be on hand. Strict compliance with Section 16.156(l) and 16.144(p) would impose extraordinary hardship for the applicant based on these unique restrictions. Per the justification provided by the applicant dated April 4, 2013, "Lutheran Village at Miller's Grant has not yet met the required 75% threshold".

**Detrimental to the Public Interest:**

The extension of deadline dates for the submission of revised plans will not be detrimental to the Public Interest. The project must complete the full review process and the applicant would not be able to apply for grading permit or building permit until all requirements outlined in Section 16.156(l) and 16.144(p) have been completed. See justification provided by the consultant dated February 26, 2010 and April 4, 2013.

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

The applicant is requesting only a deferment (not a full waiver) of the requirements of Section 16.156(l) and 16.144(p). The intent of the developer's agreement is to insure infrastructure is constructed per the approved plan and all applicable codes. This project is unique in that portions of the funding are dependent on the sales of a certain percentage of units. If the units are not sold, then construction would not commence and the site would remain in its current condition. See also the justification provided by the consultant dated February 26, 2010 and April 4, 2013.

\*\*\*\*

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 outlined in Condition #1.

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

KS/TKM/Waivers 2013/Lutheran Village at Miller's Grant RECONSIDERATION CLARIFICATION WP-10-118 approval 4-8-13

cc: Research  
DED-Chuck Dammers & Nicole Yan  
DPW-RES-Tina Hackett  
Office of Law-Lisa O'Brien  
DPSZA-Cindy Hamilton & Annette Merson  
DILP-Bob Francis  
Christopher Consultants  
T. Meachum  
F-10-083 file  
SDP-08-075 file

***I hereby acknowledge and accept the above listed conditions of approval associated with the Reconsideration/Clarification of WP-10-118 and files F-10-083 and SDP-08-075 for the Lutheran Village at Miller's Grant project.***

---

Roy Chiavacci, Executive, Vice President

