



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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June 20, 2012

Meadowridge Properties
1710 Willow Springs Drive
Sykesville, MD 21784

RE: WP-12-169, Fox Hunt Estates,
Waiver Petition Approval Letter

Dear Sir or Madam:

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 16.120(c)(4)**, which requires a minimum of 15 feet of frontage on a public road, or, for single family attached lots, that they front on a commonly owned area containing a parking area or private road not exceeding a length of 200 feet measured from the edge of the public right-of-way along the centerline of the private road. The Planning Director also **approved** your request to waive **Section 16.144(b)**, which requires the developer to submit a sketch plan or preliminary equivalent sketch plan to begin the subdivision process.

Approval is subject to the following conditions:

1. The petitioner or designee shall be responsible for maintenance of safe vehicular access to all residential units. This shall include, but is not limited to, maintenance of the private road providing access from Wesley Lane to residential units, and snow removal from the private road.
2. Upon completion of any portion of the proposed residential development, the petitioner or designee shall provide private trash removal services to the development.
3. On the Site Development Plan (SDP-07-007), and on all future subdivision plans, you must provide a brief description of this waiver petition (WP-12-169) as a general note to include requests, sections of the regulations, action, and dates associated with the waiver petition.
4. A homeowners association (HOA) shall be created for the single family attached (SFA) development of the site in accordance with the Subdivision Regulations, Section 16.121(c).
5. The private roads shall be designed and constructed in accordance with the requirements of the Development Engineering Division (DED), the Department of Public Works (DPW), and the Department of Fire and Rescue Services (DFRS).
6. The private roads shall be maintained by the HOA. Prior to the signature of any Site Development Plan, a private road maintenance agreement must be recorded in the Howard

County Land Records office stating that the common private roads will be maintained by the HOA.

7. The HOA shall be responsible for storm water management facilities' conveyance and management as determined and approved by DED and DPW. Also, water and sewer shall be public and maintained for each unit within a recorded public easement as determined and approved by DED and DPW.
8. A note must be provided on the plat that the HOA will own and maintain Open Space Lot 33.
9. General Note Number 33 on SDP-07-007 should be removed since a Condominium Association will no longer be created.
10. You must submit a "direct" revised plan submission of the newly reconfigured Site Development Plan showing the proposed site plan changes. The following agencies should receive copies of the revised plan as indicated below:

<u>Agency</u>	<u>Number of Plans Required</u>
DLD	2
DED	4
Research	1
Address Coordinator	1
DFRS	1

11. A new subdivision plat to create the fee simple SFA lots shall be submitted to, and approved by, the Department of Planning and Zoning, and recorded in the Howard County Land Records office to replace voided final plat F-07-143.
12. Water and Sewer plans shall be red-lined to reflect any changes to the design and/or associated easements prior to signature of the proposed plat. Please note that the revised Water and Sewer drawings must also show the proposed fee simple lot lines. The applicant shall coordinate the water and sewer plan revision with DED.
13. Compliance with any and all conditions outlined in the decision and order dated September, 2007 for administrative adjustment case number AA-07-020, for a variance of the 75 foot structure setback requirement from adjacent residential properties (Zoned R-SC). The applicant must also provide verification from the Division of Public Service and Zoning Administration stating that AA-07-020 is still valid.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - Extraordinary hardship or practical difficulty would result if the applicant is required to build a new public road since it would be disruptive to the project design and would serve no useful purpose since the approved private road system is more than adequate and safe for this type of development. Additionally, the private road will comply with all Howard County design and construction requirements. Finally, extraordinary hardship or practical difficulty would also result if the applicant is required to submit a Sketch or Preliminary Equivalent Sketch Plan since the already approved Site Development Plan (SDP), SDP-07-007, provides more detail, information, and engineering data than sketch and preliminary plans would.

Alternative Proposal - The only alternative for not granting the requested waivers would be to require that a public road be built and a Sketch or Preliminary Equivalent Sketch Plan be submitted. Since the private road to serve the fee simple lots will be designed to public road standards but will not be maintained by the county, requiring that a public road be built is not recommended by this Division. Additionally, since the already approved Site Development Plan (SDP), SDP-07-007, provides more detail, information, and engineering data than sketch and preliminary plans would, that requirement is also not recommended by this Division.


Not Detrimental to the Public Interest - Approval of this waiver will not be detrimental to the public interest since the proposed private road will be maintained by the HOA rather than the county. This will eliminate the burden of maintenance from the public. Additionally, only people that live in this community and their guests will be using this road. The general public will have no reason to travel on this isolated, short, private road. Finally, since the already approved Site Development Plan (SDP), SDP-07-007, provides more detail, information, and engineering data than sketch and preliminary plans would, not requiring a sketch or preliminary plan will not be detrimental to the public interest.

Will not Nullify the Intent or Purpose of the Regulations - The intent of the regulations is to provide safe access to the property. The private road to serve the fee simple lots will be designed to public road standards but will not be maintained by the county. The creation of the fee simple lots will have no impact on the safety or adequacy of the road system even though the private road exceeds the 200 foot length requirement. The intent of the regulations is also for the County to receive adequate plan information to develop the property in accordance with Howard County Regulations. Since both of these requirements have been met, approval of this request does not nullify the intent or purpose of the regulations.

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 one year from the date of this letter or as long as this site development plan remains in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM/JH

cc: Research
DED
Robert H. Vogel Engineering, Inc.
DPZ File Numbers WP-12-169 and SDP-07-007
Annette Merson, Zoning