



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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April 8, 2013

Mr. Tim Feaga
BV Business Trust
15950 North Avenue
P. O. Box 482
Lisbon, MD 21765

Dear Mr. Feaga:

RE: **WP-13-148, Walnut Creek, Phase IV (F-13-034)**

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(p)** – requiring the payment of fees and posting of financial obligations within 120 days from the approval date of the subdivision plan; and **Section 16.144(q)** – requiring the submission of the final subdivision plan for recordation within 180 days from the approval date of the subdivision plan.

Approval is subject to the following conditions:

1. The Developer's Agreement must be submitted and all fees paid and all sureties posted on or before October 2, 2015.
2. The Final Plat originals must be submitted to DPZ for final signatures and recording on or before December 1, 2015.
3. Advisory: Since the project is not using the 2007 SWM ESD practices, all site construction must be completed by May 4, 2017.
4. Be advised that no further extensions of time for final plat processing will be granted for this project.
5. Compliance with the enclosed comments from the Development Engineering Division.
6. The applicant will be responsible for any fee increases implemented since the issuance of the technically complete letter at the time of the plat recordation.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - Extraordinary hardship would result if the applicant is required to submit and process a completely new preliminary equivalent sketch plan for this project. The applicant has the recorded plats for Phases 1 and 2. Extraordinary hardship would result if the applicant is required to submit and process a completely new preliminary equivalent sketch plan for this project for Phases 3 and 4. The applicant has the existing approved subdivision plan, SP-06-07 already on file for this project. In addition, density rights have been purchased and recorded for this multi-phased subdivision.

Alternative Proposal - The only alternative for not granting the requested extension of the final plan approval status established under F-13-024 and F-13-034 is to require the submission of new preliminary equivalent sketch plan for this project. The road construction drawing originals are presently in the signature approved process for this phase and will be completed prior to May 4, 2013, the alternative for requiring a new preliminary equivalent sketch plan is not recommended by this Division for this phased project.

The intent of the Regulations will be served to a greater extent through the implementation of this alternative proposal to allow the extension of the deadline dates rather than requiring a new preliminary equivalent sketch plan. All subdivision design and site improvement requirements such as forest conservation planting, landscaping, street trees, infrastructure improvements (water, sewer, road paving, curbing, storm drains and sidewalks, etc.), establishment of easements, and SWM, etc. will be addressed through the processing of a final plan for Phases 3 and 4 of this project.


Not Detrimental to the Public Interest - The waiver request will not be detrimental to the public interest since subdivision plans have already been processed and approved for this project. Therefore, the requested plan extension of the final plan status will not have any adverse effect on the surrounding properties and the community where the property is located.

Granting the requested waiver of the APFO deadline date for Phase 4 will not impair the appropriate use or development of the surrounding properties and will not be detrimental to the public interests. The road construction drawings are currently circulating for signature. The design of the subdivision will not change. The extension will allow the developer time to deal with the current economic conditions.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the Regulations. Therefore, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures. All SRC agencies have recommended approval for the requested plan extension. This extended plan extension is reasonable for this multi-phased project.

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.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
FCC
F-13-034
Melanie Dorsey
David Bassler
Chkaya Shah
Daniel Standish
Rupert Denney
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Alfred Bassler