



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

June 23, 2010

Mr. Robert Mowrey  
2331 York Rd., Suite 301  
Timonium, MD. 21093

RE: WP-10-165 (Kindler Overlook II)

Dear Mr. Mowrey:

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(o), Section 16.144(p) and Section 16.144(q)** which establish deadline dates to submit final construction drawings, to submit payment of fees, to post financial obligations and to submit final subdivision plats.

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

1. The developer must submit the Final Construction Drawings in association with F-10-051 within **180 days** of June 4, 2010 (**on or before December 1, 2010**).
2. The developer must complete any applicable Developer's Agreements and pay any remaining DPW fees in association with F-10-051 within **180 days** of August 3, 2010 (**on or before January 30, 2011**).
3. The developer must submit final plat originals in association with F-10-051 for signature and recordation within **180 days** of October 2, 2010 (**on or before March 31, 2011**).

**NOTE:** Although not a condition of waiver, the applicant is advised that should the economic downturn continue, to contact Jeff Bronow, Chief of the Division of Research in DPZ regarding the applicability of Council Bill 8-2009 to this project. This Bill provides for altering the allocation year for a project without breaking the plan into phases. By taking advantage of this new legislation, the applicant could select a different allocation year and comply with the associated submission deadlines.

**Our 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. The project has already been subject to complete subdivision review and has an established file history. The applicant's justification states the "current market is not conducive to the selling of new homes. Furthermore, this project is contingent upon recordation of the plat for the McKendree Springs (F-09-108) subdivision since this project is utilizing a forest conservation mitigation bank on that site. The McKendree Springs plat has not yet been recorded but it needs to be recorded prior to submission of any originals for Kindler Overlook II. McKendree Springs has recently had a waiver for an extension

submitted also due to the housing market". See also the justification provided by the consultant submitted on June 4, 2010.

**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 all requirements will be met. The obligations are not to be waived, just delayed. See also the justification provided by the consultant submitted on June 4, 2010.

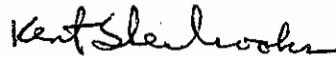
**Nullifies the Intent or Purpose of the Regulations:**

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. See also the justification provided by the consultant submitted on June 4, 2010.

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 based on the dates outlined in the above conditions.

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, Acting Chief  
Division of Land Development

attachment

KS/TKM/Waivers 2010/Kindler Overlook II WP-10-165 approval

cc: Research

DED

F-10-51

BENCHMARK