



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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December 14, 2010

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

RE: WP-11-090 (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 **1 year** of December 1, 2010 (**on or before December 1, 2011**).
2. The developer must complete any applicable Developer's Agreements and pay any remaining DPW fees in association with F-10-051 within **1 year** of January 30, 2011 (**on or before January 30, 2012**).
3. The developer must submit final plat originals in association with F-10-051 for signature and Recordation within **1 year** of March 31, 2011 (**on or before March 31, 2012**).
4. Subject to the attached Development Engineering comments dated December 2, 2010. Please be advised that new stormwater management regulations are now in effect. Any project not having a signature-approved stormwater management and sediment control plan by **May 4, 2013** will require revised plans designed to meet the current regulations.

PLEASE NOTE: The applicant is responsible for any processing fee changes that may have occurred since the "Technically Complete" letter was issued for F-10-051.

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. 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 December 1, 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. Per the applicant's justification, "the intent of the regulation is to provide a timetable for developers, builders and engineers in order to maintain adequate public services. The necessary allocations required for this development have already been approved and accounted for. This request, if granted, will delay the start of construction activities and posting of bonds and sureties associated with the Developer's Agreement until it is more economically feasible. The obligations are not to be waived, just delayed. The issue of aesthetics is addressed by retaining existing vegetation during the delay which is more visually appealing....and public safety shall be fulfilled since no man-made hazards will be left un-attended and exposed for a long period of time". See also the justification provided by the consultant submitted on December 1, 2010.

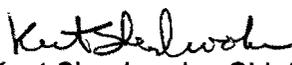
Nullifies the Intent or Purpose of the Regulations:

Per the applicant's justification, "the intent of the regulations shall not be nullified as the Developer is not asking to waive the signature of the road plans or execution of the Developers Agreement or recordation of the plat. They are only asking to delay these items", therefore the Intent and Purpose of the Regulations will be upheld through the required process. See also the justification provided by the consultant submitted on December 1, 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.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/Waivers 2010/Kindler Overlook II WP-11-090 approval

cc: Research
DED