



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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January 22, 2013

Dave Carney  
10715 Charter Drive, Suite 200  
Columbia, MD. 21044  
On behalf of C. John Serio, Managing Member  
McKendree Springs, LLC

RE: WP-13-105 (McKendree Springs)  
(associated with F-09-108, McKendree Springs,  
Lots 3 & 4 & Buildable Preservation parcel 'A')

Dear Mr. Carney:

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) and Section 16.144(q)** which establish deadlines dates to submit developer's agreements and payment of fees, post financial obligations and to submit the final subdivision plat.

Approval is subject to the following conditions:

1. The Developer must submit Developer's Agreements and any remaining DPW fees and sureties in association with F-09-108 within 100 days of October 28, 2012 (**on or before February 6, 2013**) and shall submit final plat originals in association with F-09-108 for signature and recordation within 100 days of December 27, 2012 (**on or before April 6, 2013**). PLEASE NOTE: The applicant is responsible for any processing fee changes that may have occurred since the "Technically Complete" letter was issued for F-09-108.
2. All DED comments and conditions as outlined in their letter of January 15, 2013 must be addressed. Any project not having a signature approved stormwater management and sediment control plan by May 4, 2013 will require revised plans designed to meet current regulations.
3. Submission of an administrative waiver to the Development Engineering Division.
4. Contact Carol Stirn at (410) 313-2350 to set up a submittal appointment for the final plat originals within this allotted time period. The applicant is responsible for any processing fee charges that may have occurred since the last submittal associated with F-09-108. Provide written verification from the Real Estate Services Division that all Developer Agreements have been completed and all associated fees have been paid.
5. **As this is the FOURTH request for extension, the applicant is put on notice that the Department of Planning and Zoning will not consider additional requests for extension of milestone dates in association with F-09-108.**

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 cites issues with the housing market and history of bankruptcy and death of original developer with the inability to move the project forward until this time. The partially constructed house on Lot 1 (2240 McKendree Road) has now been transferred to a third party owner and all updated documentation is in place. See also the previous justification provided by the consultant on October 21, 2011 and information provided by the applicant's attorney and Managing Member of McKendree Enterprises (Greg Williams) dated October and December 2012.

**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. Per the previous justification, "the issue of aesthetics is addressed by retaining existing vegetation during the delay which is more visually appealing than unfinished construction or partial development. The issue of public safety shall be fulfilled since no man-made hazards will be left unattended or exposed for a long period of time." Mr. Greg Williams, has stated that the removal of the existing structures, poles, and materials have been identified and bid. The culvert replacement has been detailed and McKendree Enterprises, LLC is in the process of bidding. See also the previous justification provided by the consultant on October 21, 2011 and information provided by the applicant's attorney and Managing Member of McKendree Enterprises (Greg Williams) dated October and December 2012.

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

This subdivision has already been approved and therefore the Intent and Purpose of the Regulations have been upheld through the required review process. The applicant is asking for a delay of subdivision requirements not a request to circumvent them. See also the previous justification provided by the consultant on October 21, 2011 and information provided by the applicant's attorney and Managing Member of McKendree Enterprises (Greg Williams) dated October and December 2012.

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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 or as long as this subdivision remains in active processing.

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

attachment

KS/tkm/waivers 2012/McKendree Springs WP-13-105 approval 1-22-13

cc: Research  
DED  
RES  
F-09-108 file