



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

November 7, 2014

Robert Mowrey
826 Frog Mortar Road
Middle River, MD. 21220

RE: WP-15-057 (Kindler Overlook II)
(associated with F-10-051)

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(q)** which establishes the deadline date to submit final subdivision original plat mylars.

Approval is subject to the following conditions:

1. The developer must complete any required red-line revision to the Road Construction Drawings in association with F-10-051 within **45 days of waiver approval (on or before December 22, 2014)**.
2. The developer must submit final plat originals in association with F-10-051 for signature and recordation within **60 days of waiver approval (on or before January 6, 2015)**.
3. Contact Carol Stirn at 410-313-4351 to set up an original plan submittal appointment within the allotted time period. 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. The project has already been subject to complete subdivision review and has an established file history. The extension would give the developer adequate time to finalize the developer's agreement and design and submit for review and approval-a new redline revision reflecting corrections to the slope and utility easements, prior to submittal of the plat mylars.

Detrimental to the Public Interest:

The extension of deadline date for the submitting plan originals will not be detrimental to the Public Interest. The subdivision has already been approved and all requirements will be met. The waiver affects only proposed development and not existing properties. 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. The public interest will be served as the development of the property will continue in

an orderly manner, with only a slight delay. Public dedication of land and establishment of forest conservation easements will take place with only a slight delay”.

Nullifies the Intent or Purpose of the Regulations:

The intent of the regulations shall not be nullified. The Intent and Purpose of the Regulations will be upheld through the required process. The developer is not asking to waive the execution of the Developer’s Agreement or recordation of the plat, the developer is simply asking for a delay. A request for modification of timing is a permitted request through the waiver process. The necessary allocations required for this development have already been approved. The proposed infrastructure is provided solely for this development-the existing surrounding properties already have access to existing public services.

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 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 2014/Kindler Overlook II WP-15-057 approval 11-7-14
cc: Research
DED
RES
Benchmark Engineering
F-10-051 file