



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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FAX 410-313-3467

TDD 410-313-2323

April 28, 2010

McKendree Springs, LLC
2331 York Rd., Suite 301
Timonium, MD. 20193
ATTN: Robert Mowrey

RE: WP-10-128 (McKendree Springs)

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(p) and Section 16.144(q).

Approval is subject to the following condition:

1. The Developer must submit Developer's Agreements and any remaining DPW fees and sureties in association with F-09-108 within 120 days of June 30, 2010 (**on or before October 28, 2010**) and shall submit final plat originals in association with F-09-108 for signature and recordation within 180 days of June 30, 2010 (**on or before December 27, 2010**).

NOTE: Please be advised that the 2007 Stormwater Management Regulations are currently in effect, but new State Regulations will go into effect on May 4, 2010. Any projects not having an approved stormwater management plan and sediment and erosion control plan by May 4, 2010 will require revised plans designed to current regulations.

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 with the inability to move the project forward at this time. The applicant has also stated that the partially constructed house on Lot 1 still remains unsold, and the adjacent subdivision (McKendree View), has not been able to sell 7 of the new lots which have been on the market for over 2 years. The current market is not conducive to the selling of new homes. See also the justification provided by the consultant dated March 29, 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. See also the justification provided by the consultant dated March 29, 2010.

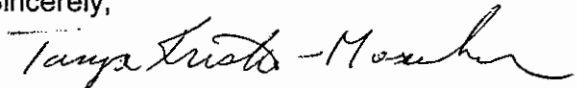
Nullifies the Intent or Purpose of the Regulations:

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 justification provided by the consultant dated March 29, 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 for one year from the date of this letter or as long as the subdivision remains in active processing.

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

Sincerely,



Tanya Krista-Maenhardt, AICP
Division of Land Development

KS/TKM/McKendree Springs approval WP-10-128

cc: Research
DED
Benchmark Engineering