



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

November 22, 2010

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

RE: WP-11-073 (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 conditions:

1. The Developer must submit Developer's Agreements and any remaining DPW fees and sureties in association with F-09-108 within 1 year of October 28, 2010 (**on or before October 28, 2011**) and shall submit final plat originals in association with F-09-108 for signature and recordation within 1 year of December 27, 2010 (**on or before December 27, 2011**). 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 November 21, 2010 must be addressed.

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 on October 28, 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. Per the 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." Refer to the justification provided by the consultant on October 28, 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 on October 28, 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 the time period stated 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, Acting Chief
Division of Land Development

KS/TKM/McKendree Springs approval WP-11-073

cc: Research
DED
HEALTH
Benchmark Engineering
F-10-051 (Kindler Overlook II) file