



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
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February 15, 2011

Kindler Overlook
9695 Norfolk Avenue
Laurel, MD. 20723
ATTN: B. Boy

RE: WP-11-125 (Kindler Overlook)
Associated with F-07-003 (Kindler Overlook-Lots 1-
19 and Open Space 20) and F-11-024 (Kindler
Overlook-Plat of Revision)

Dear Mr. Boy:

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 **Sections 16.144(p) and Section 16.144(q)** which establish deadline dates to submit payment of fees and to post financial obligations (including those associated with Developer's Agreements) and to submit final subdivision plats.

Approval is subject to the following conditions:

- 1, The developer must complete any applicable Developer's Agreements and pay any remaining DPW fees in association with F-07-003 and/or F-11-024 within **1 year** of February 10, 2011 (**on or before February 10, 2012**).
2. The developer must submit final plat originals in association with F-11-024 for signature and Recordation within **1 year** of April 11, 2011 (**on or before April 11, 2012**).

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

All original APFO milestones have been met. The applicant and County have deemed this project a good candidate for redesign in order to incorporate Environmental Site Design practices. Re-design requires a new plat and new and amended Developer's Agreements, all of which require additional review time. The current state of the economy allows time for re-design. Per the applicant's justification, "due to the current state of the economy, a financial hardship would result if the applicant were required to move forward at this time using the current design, especially given the fact that the local market is not conducive to the selling of new homes."

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 new 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 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".

Nullifies the Intent or Purpose of the Regulations:

Per the applicant's justification, the proposed amendments to the previously approved project will not nullify the intent or purpose of the regulations- "the necessary allocations required for this development are already approved and accounted for. The proposed infrastructure is provided solely for this new development." The project has received all required approvals and the use of Environmental Site Design will improve the project, by meeting current SWM regulations approved in May, 2010 and will result in the additional retention of existing forest resource.

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

KS/TKM/waivers 2011/Kindler Overlook approval WP-11-125

cc: Research
DED
Benchmark Engineering-A. Miller
F-07-003 File
F-11-024 File