



August 2, 2012

David P. Scheffenacker, Jr.  
Kellogg – CCP, LLC  
2330 West Joppa Road  
Lutherville, Maryland 21093-4614

Re: Oxford Square, Parcels 'C' thru 'L' and Open Space Lots 1 & 2  
Waiver Petition WP-12-183  
(Final Plan F-12-026)

Dear Mr. Scheffenacker:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.144(p) and 16.144(q) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow the deadlines by which developer agreements are to be submitted, fees paid and plat originals submitted to be rescheduled to a later date.

As of the date of this letter, the Planning Director approved your request, subject to the following conditions:

1. Petitioner shall submit to the Department of Public Works Real Estate Services Division a Developer's Agreement, and shall post financial surety for construction of roads, stormwater management and storm drainage, and shall address other items listed under Step 2 of our letter of April 26, 2012 on or before August 24, 2013.
2. Petitioner shall submit to the DPZ the final plat for signature and recordation and shall address other items listed under Step 3 of our letter of April 26, 2012 on or before October 23, 2013.

Our decision to approve the waiver was made based on the following justification:

*Extraordinary hardships or practical difficulties may result from strict compliance.*

The petitioner would encounter extraordinary hardships or practical difficulties from strict compliance with the relevant regulations. Due to the current capital markets climate, it has proven difficult to obtain loans, bonds and letters of credit from financial institutions and investors for a project the size and scope of Oxford Square. Without access to these funds it will be impossible for the petitioner to meet the obligations required by the relevant regulations. As such, strict compliance with the regulations is not possible and a waiver is warranted. The only alternative is to allow the plan to be voided upon failure to meet the deadlines, with the potential to reactivate the plan at a later date; however, housing unit allocations may be unavailable at the time of reactivation.

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*Waiver approval will not be detrimental to the public interest.*

Waiver approval will not be detrimental to the public interest since no site development plans have been approved which would generate vehicular or pedestrian traffic, stormwater runoff, or the need for water and sewer service; surety covering the petitioner's financial obligations for public improvements therefore is unnecessary. The approval of this waiver will not be detrimental to adjacent properties, the surrounding community, or Howard County as a whole.

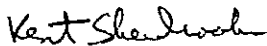
*The waiver shall not nullify the intent or purpose of the regulations.*

The waiver simply has the effect of postponing the developer agreement and plat original submission deadlines until such a time as economic conditions improve and project funding becomes more readily available and fluid. The intent and purpose of the regulations will not be nullified.

Indicate this waiver petition file number, sections of the regulations, Department action, conditions of approval, and date on the related plat. This waiver will remain valid for the time period specified in the conditions of approval. Failure to meet the established deadlines will result in previous plan approvals being voided and the application being considered withdrawn in accordance with Subsection 16.144(r).

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
DLD, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
DPW, Real Estate Services  
FC&C  
F-12-026 file