



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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Marsha S. McLaughlin, Director

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May 06, 2010

Mr. Jason Van Kirk  
Elm Street Communities, Inc.  
5074 Dorsey Hall Drive, Suite 205  
Ellicott City, MD 21042

RE: WP-10-093, Riverwalk, Parcel A, SFA units, first revised submission of 04/01/10

Dear Mr. Van Kirk:

The Director of the Department of Planning and Zoning considered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive Subdivision Sections:

1. 16.120(c)(4), to not be required to provide any of the required minimum "single family attached" lot frontage of 15 feet on an approved public street and, be permitted to have the "single family attached" lots front on a private road exceeding 200 feet in length, and;
2. 16.121(a)(4)(vi), to have the required minimum of 400 sq. ft. of recreational open space per SFA unit reduced to 169.88 sq. ft. per SFA unit based on proposed onsite improved open space amenities areas (formal garden with seating area and paved walkways, a tot lot area and a paved pathway surrounding the tot lot that leads to the adjacent Ho. Co. Savage Park) as shown on the waiver petition exhibit/plan submitted on 04/01/10, and;
3. 16.1205(a), to be permitted to remove three trees (red maple with a DBH [diameter at breast height] of 41", red maple with a DBH of 42", tulip Poplar with a DBH of 38.5") having a DBH exceeding 30".
4. 16.134(a)(1), to not be required to provide sidewalks along both sides of all streets in the project.
5. 16.144(b) and (g), to not be required to submit sketch and preliminary plans for the creation of the fee simple lots for the SFA units.

The approval of this waiver petition is subject to compliance with the following conditions of approval:

1. The submitted plat and site development plan for this development (F-10-070 & SDP-10-060) shall be revised accordingly.
2. All of the residential lots shall front on and obtain access from the proposed, private roads within the project area.
3. The proposed, private roads within the project area shall be located on property(ies) owned by a homeowners association (HOA) and be maintained by the same HOA.
4. The proposed, private roads within the project area shall be designed and constructed in accordance with the requirements of the DED and DFRS.

5. A General Note shall be added to sheet 1 that clearly states that all roads and alleys in this development are privately owned and to be maintained by the HOA.
6. The proposed pathway from the internal private road that surrounds the proposed tot lot that leads to Savage Park shall be paved.
7. The third paragraph found under "Section 10.2. Common Area Maintenance" of the supplemental information submitted with the Petitioner's justification shall be added to the HOA document(s) for this development.

Justification for the approval recommendation for this waiver petition:

1. The justification submitted by the Petitioner. (See the enclosed copy.)
2. This waiver petition, if approved as cited above, will not nullify the intent and purpose of the Regulations as follows:
  - A. The private roads will comply with all Howard County design and construction requirements, and be maintained by a HOA.
  - B. The proposed onsite improved open space amenities areas (formal garden with a seating area and paved sidewalks, a tot lot area and a paved pathway to the adjacent Ho. Co. Savage Park) as shown on the waiver petition exhibit/plan submitted on 04/01/10 will be adequate for the residents in a fashion similar to the "construction of amenities" provision for the recreational open space requirement found in Subdivision Section 16.121(a)(4)(vii) for "RMH" zoning district development. Also, there are other onsite open space areas, large areas of onsite environmental features and the adjacent Savage Park that will provide open space passive use opportunities to the residents of this project.
  - C. The three trees (red maple with a DBH [diameter at breast height] of 41", red maple with a DBH of 42", tulip Poplar with a DBH of 38.5") having a DBH exceeding 30" are not rare, threatened or endangered species, are well below the size of the recognized State and Ho. Co. Champion Trees of the same species, and are not associated with a historic site or high priority retention area.
  - D. The already submitted site development plan, SDP-10-060, provides more detail, information and engineering data than sketch and preliminary plans would.
3. Undo hardships and practical difficulties would result from strict compliance with the Regulations as follows:
  - A. The need for a condo. assoc. which would add additional expenses and paperwork for the homeowners, make financing for this project without fee simple lots difficult and harder to obtain per the current HUD requirements, and would make it more difficult to have design compatibility between the SFA units and the roads based on current "R-SA-8" Zoning setback requirements.

- B. When considering the onsite environmental areas that are required to be saved per the current Subdivision Regulations, and the setback and design requirements of the current Zoning Regulations, any attempt to provide the normally unimproved recreational open space area of 400 sq. ft. per unit and to save the three trees having a DBH exceeding 30" would prevent the effective development of this site.
- C. It would add unnecessary processing time and expense, not serve any useful propose, and would be redundant to submit sketch and preliminary plans since the already submitted site development plan, SDP-10-060, provides more detail, information and engineering data than those plans would.

Indicate this waiver petition file number, sections of the regulations, requests, action, conditions of approval, and approval date in a detailed note on sheet 1 of SDP-10-060 and sheet 1 of plat, F-10-070. This waiver petition approval will remain valid as long as SDP-10-060 remains in active processing.

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

Sincerely,

  
Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/MA/WP10093.appr.ltr.

cc: Research  
File  
DED  
SDP-10-060  
F-10-070  
GLW  
Forest Conservation Coordinator - Brenda Luber  
Maryland Forest Services - Marian Honecny