



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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May 13, 2010

Aladdin Rock, LLC
6800 Deer Path Road
Elkridge, MD. 21075
ATTN: Mark Levy

RE: WP-10-140 (Howard Square)
(associated with SDP-08-046-
Howard Square-Phase 1, Section 1,
Units 1-43)

Dear Mr. Levy:

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 16.120(c)(4)** which requires that single-family-attached lots shall have a minimum of 15 feet of frontage on a public road. Single family attached lots may be approved without public road frontage provided they front on a commonly owned area containing a parking area or private road not exceeding a length of 200 feet measured from the edge of the public right-of-way along the centerline of the private road.

Approval is subject to the following conditions:

1. Prior to the submission of any resubdivision plat to create fee simple lots, the applicant must coordinate with the Development Engineering Division and the Department of Public Works concerning the private/public status of any on-site utility lines. The appropriate easement designations must be reflected on the forthcoming plat(s) and incorporated onto previously approved plans (if necessary) through the red-line process.
2. The consultant shall submit the proposed resubdivision plat to create the fee-simple lots, designate the HOA ownership of the open space lots and show any required public utility easements.
3. A Home Owner's Association will be created that will be the responsible party for the maintenance of the private roads and stormwater conveyance and management facilities. Water and sewer shall be public and maintained for each unit within the recorded public easement.
4. After the resubdivision plat is recorded, SDP-08-046 shall be submitted to be red-lined.

Our decision was made based on the following:

Extraordinary hardships or practical difficulties:

Currently the project proposes 43 townhouse units in a condominium regime (located on open space). The applicant now wishes to create fee-simple lots fronting on a private (not public) road (longer than 200'). Per the applicant's justification, "the consequences of the recession are still unfolding and will probably continue to unfold for years to come. As it relates to this project, one of the consequences is a decision by federally chartered companies (Fannie Mae and Freddie Mac) that eventually buy mortgages to limit the loans provided for condominium type housing units which includes condominium and

townhomes not on fee simple lots. The allowable share of their loans for this type of unit will decrease over the next few years". It is the applicant's opinion that this is a practical difficulty and "it is anticipated that demand for condominium type products will greatly decline and will render them unmarketable". Please also refer to the applicant's justification submitted on April 15, 2010.

Detrimental to the Public Interest:

Per the applicant's justification, approval of the waiver would not be detrimental to the public interest because "it will eliminate unnecessary conflicts in maintenance and ownership of the various sections of the roads and will also reduce the County's maintenance obligations which would be welcomed based on current budget constraints". Please also refer to the applicant's justification submitted on April 15, 2010.

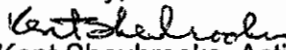
Nullifies the Intent or Purpose of the Regulations:

Per the applicant's justification, "the intent of the regulations is to provide safe road access and parking for the owners of the proposed development without adversely impacting the public. All of the roads, whether private or public, meet Howard County Design Manual requirements. Granting of the waiver would not compromise the integrity or quality of the proposed roads." Please also refer to the applicant's justification submitted on April 15, 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 site development plan remains in active processing.

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/waivers 2010/Howard square WP-10-140 approval

cc: Research

DED

SHA

Mildenberg, Boender, Assoc.