



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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October 22, 2010

Atapco Howard Square I Business Trust
10 east Baltimore St.
Baltimore, MD. 21202

RE: WP-11-044 (Howard Square-Units 1-43)
(associated with SDP-08-046-Phase 1, Section 1)

Dear Interested Parties:

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 16.156(o)(1)(ii)** which requires that for single family attached, the developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval.

Waiver approval is subject to the following conditions:

1. The developer must submit for building permit application for all remaining units in association with SDP-08-046 within **2-years** of the date of the previous deadline of October 1, 2010 **to on or before October 1, 2012.**

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 site development plan and all associated documents. No site changes would occur with a new site development plan submittal. The project has already been subject to a complete plan review and has an established file history. Per the applicant's justification, "maintaining the current deadline will force the client or contract purchaser of the lots (Ryan Homes) to obtain permits for 43 units without having a buyer or a recorded plat. Having to apply for the permits without plat approval or buyers would cause practical difficulty." Please also refer to the justification submitted by Mildenberg, Boender and Associates on September 24, 2010.

Detrimental to the Public Interest:

Issues such as grading, layout, parking, utilities, storm water management, sediment control, compliance with the Route 1 Manual and landscaping have already been addressed with the Site Development Plan. Granting the extension of time for building permit application will not be detrimental to the public interest. Please also refer to the justification submitted by Mildenberg, Boender and Associates on September 24, 2010.

Nullifies the Intent or Purpose of the Regulations:

Granting of this waiver would not nullify the intent or purpose of the regulations. This is an approved and signed site development plan. Please also refer to the justification submitted by Mildenberg, Boender and Associates on September 24, 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 based on the dates outlined in the above condition.

If you have any questions, please contact Tanya Krista-Maenhardt 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-11-044 approval 10-22-10

cc: Research
DED
Mildenberg, Boender & Assoc.
Benchmark Engineering-B. Cleary