



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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June 8, 2011

ATAPCO Howard Square II  
10 E. Baltimore St., Suite 1600  
Baltimore, MD. 21202

RE: **WP-11-165 (Howard Square) RECONSIDERATION**  
(associated with S-06-010: Elkridge Village Centre)  
Now known as "Howard Square" for 1,067 residential units and  
320,100 sq.ft. commercial/office retail)

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 to apply to all future sections of the "Howard Square" project within existing Parcel A-2.

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.

This waiver approval applies to all future sections to be developed within current Parcel A-2 (complete build-out as depicted on S-06-010).

**Waiver approval is subject to the following:**

1. A Home Owner's Association for each phase of the Howard Square project 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 a recorded public easement.

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

**Extraordinary hardships or practical difficulties:**

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".

The applicant wishes to create fee-simple lots fronting on a private (not public) road (longer than 200') for the entire Howard Square project. The majority (if not all) of the proposed units will front on private roads. In addition, if the reconsideration of the waiver is not approved, the applicant will need to submit a new waiver request for each phase of the project, with a minimum of nine phases.

**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".

**Nullifies the Intent or Purpose of the Regulations:**

The applicant believes that with the current proposal, "the Intent of the Regulations is being met to a greater extent based on the fact that the proposed project will meet the requirements to a greater extent than the existing conditions."

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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 subdivision/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](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

attachment

KS/TKM/waivers 2011/Howard Square WP-11-165 RECONSIDERATION approval 6-18-11

cc: Research  
DED  
Benchmark Engineering