



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

November 23, 2010

Atapco Howard Square I Business Trust  
10 East Baltimore St. Suite 1600  
Baltimore, MD. 21202  
ATTN: D. Polonsky

RE: WP-11-067 (Howard Square-Units 45-101)  
(associated with SDP-08-078-Phase 1, Section 3A)

Dear Mr. Polonsky:

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.

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

1. F-11-009 must be recorded prior to final signature of SDP-08-078.
2. 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.

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

**Extraordinary hardships or practical difficulties:**

The Howard Square project was initially anticipated as a condominium regime. However, based on changes in the economy and decline of interest in condominium type products, the applicant now wishes to propose the townhouse units on individual lots. Per original design and the applicant's justification submitted on October 27, 2010, "in order to maintain the processing of the plans, the developer has decided to integrate private roads throughout the project for access."

The latest revision of the project (under SDP-08-078) proposes 57 townhouse units on fee-simple lots. The applicant wishes to create fee-simple lots fronting on a private (not public) road (longer than 200').

Per the applicant's justification, one of the consequences of the depressed economy 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". Therefore, the applicant is now proposing fee-simple lots. Please also refer to the applicant's justification submitted on October 27, 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 October 27, 2010.

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

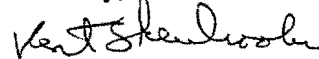
Per the applicant's justification, "the Regulations are being met to a greater extent based on the fact that the proposed project will meet the requirements to a greater extent than the existing site conditions. Allowing the project to move forward will provide necessary flexibility to maintain the allocations while meeting the overall concepts agreed to in S-06-010." Please also refer to the applicant's justification submitted on October 27, 2010.

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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 this subdivision/site development plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt at (410) 313-2350 or email at [tmaenhardt@howardcountymd.gov](mailto:tmaenhardt@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Acting Chief  
Division of Land Development

KS/TKM/Waivers 2010/Howard Square WP-11-067 approval 11-23-10

cc: Research  
DED  
Benchmark Engineering-B. Cleary