



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

September 22, 2020

Long Gate Overlook – Ellicott City, L.P.  
attn: Brian Knauff  
24151 Ventura Boulevard  
Calabasas CA

RE: **WP-21-013 Long Gate Overlook** (F-21-008, SDP-14-074)

Dear Mr. Knauff:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On September 20, 2020 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.120(c)(1)** of the Subdivision and Land Development Regulations that requires all commercial, industrial or apartment (condo) lots to have a minimum frontage of 60 feet on an approved public road which provides access to the property. The applicant is planning to construct two condominium buildings (stacked townhomes) within two buildable parcels (Parcels A and B) of the Long Gate Overlook project that will front on a private road. The two parcels are to be platted and designed as part of the final plat, F-21-008 and site development plan, SDP-14-074 (redline revision)

Approval is subject to the following three (3) conditions:

1. The approval of this alternative compliance petition shall apply only to the two (2) proposed apartment/condominium buildings that shall be situated on proposed Buildable Parcels A and B.
2. The proposed private roads that shall provide access for the two condominium buildings must comply with those design standards required by the Design Manual.
3. Include this alternative compliance petition decision as a general note on the final plan and site development plan. This note shall include the alternative compliance petition file number, the regulatory section, the decision date, and the conditions of approval.

The decision of this alternative compliance petition is based on the following justification:

**1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas.**

The redesign of the Long Gate Overlook subdivision proposes 21 of the original 79 single-family attached units (SFA) to be replaced with two condominium buildings (stacked townhomes). An alternative compliance petition (WP-15-036) was approved under the original design to permit SFA units to front on private roads, based on the justification that: 1) private roads would be adequate and safe for this project, 2) the nature of the site design does not require public roads; the HOA can maintain the roads; and 3) there is no need to provide access to abutting property; those properties all have direct

access to public roads. The SFA units in the northern area of the site will be replaced by two buildable parcels to accommodate two condominium buildings. This change will decrease the overall building coverage and impervious area to comply with stormwater management design standards enacted in response to the Ellicott City flooding events. The current regulations require multifamily buildings to have a minimum of 60 feet of public road frontage. However, since the Long Gate Overlook development was previously approved for a private road system, there are no public roads available for their frontage; these two condominium buildings must front on the same private roads as previously approved. The nature and type of housing is substantially similar to what was previously approved. Strict conformance to the requirements would deprive the applicant the rights that were previously granted to allow SFA lots to front on private roads and of others who received approval for a private internal road network for residential units.

**2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations.**

The property has over 700 feet of public road frontage on Montgomery Road and converges inland providing a unique geometry. The initial subdivision plan required area of the site's frontage to be dedicated to the State Highway Administration and a more unified, safer access be provided for the adjoining Bethel Church property at the signalized intersection across from the Long Gate Shopping Center. These factors created site constraints for the spacing necessary to accommodate an internal public roadway that would provide the minimum road frontage required for SFA and condominium units. As such, the applicant designed and received approval for a private internal road network. Furthermore, the applicant was required to redesign the site to comply with new stormwater management (SWM) regulations, by minimizing impervious areas and increasing SWM practices. The redesigns will provide for more pervious area to help improve the management of stormwater. For these reasons stated, the uniqueness of the property and conditions would result in practical difficulty by strict adherence to the regulations.

**3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**

The granting of this variance will not confer a special privilege that would be denied to other applicants. Typically, apartment or condominium developments do not require the establishment of internal parcels for the buildings, as the entire project will have its frontage at an existing or proposed public right-of-way to achieve the minimum frontage requirement. As stated above, this project was initially approved for SFA units (townhomes) without public road frontage and all units will front on private roads. 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties. The project shall undergo a redesign that includes replacing 21 SFA units in the northern area with two condominium (stacked townhomes) buildings and eliminating the access driveway along the perimeter of the property by orienting the garages inward. This redesign reduces the pervious areas of the project and, therefore, will result in better overall quality of SWM for the project and reduce the impact to the Tiber Branch watershed.

**4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**

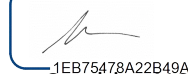
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Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at [djones@howardcountymd.gov](mailto:djones@howardcountymd.gov).

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/dj

cc: Research  
DED  
DLD - Julia Sauer  
File: F-21-008  
Vogel+Timmons



**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:  
 File No. *WP-21-013*  
 Date Filed *8/19/20*

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** *LOVE GATE OVERLOOK*

**Subdivision Name/Property Identification:** *LOVE GATE OVERLOOK SDP-14-074*

**Location of property:** *MONTGOMERY ROAD*

**Existing Use:** *VACANT*      **Proposed Use:** *RESIDENTIAL*

**Tax Map:** *2A*      **Grid:** *2A*      **Parcel No:** *522-327*      **Election District:** *2D*

**Zoning District:** *R-D-15*      **Total site area:** *7.34 ac*

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:


*SDP-14-074, F-16-048, EGP-14-009  
 WP-15-036, DD-14-014, DD-15-003, WP-16-083, WP-17-056, WP-17-120  
 WP-18-032, WP-18-039, WP-18-082,*

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
<i>16.120(c)(1)</i>	<i>Lot Layout, Minimum Frontages (Apartment)</i>



Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 7/28/20

Signature of Petitioner Preparer:  Date: 7/28/20

Name of Property Owner: Long Gate Overlook, Ellicott City, L.P. Name of Petitioner Preparer: Vogel Engineering & Timmons Group

Address: 24151 Ventura Boulevard Address: 3300 N. Ridge Rd, Ste 110

City, State, Zip: Calabasas, CA 91302 City, State, Zip: Ellicott City, MD 21043

E-Mail: brian.knauff@beazer.com E-Mail: rob.vogel@timmons.com

Phone No.: 443-539-9249 Phone No.: 410-461-7666

Contact Person: Brian Knauff Contact Person: Robert H. Vogel

Owner's Authorization Attached