



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

February 2, 2024

Chetan Mehta  
5192 Talbots Landing  
Ellicott City, MD 21046

RE: WP-24-037, Elkrigde Crossing II

Dear Applicant:

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 January 29, 2024 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)(4)** of the Subdivision and Land Development Regulations to allow for single-family lots on private roads as proposed with the Elkrigde Crossing II development.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(c)(4) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

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

The proposed amended sketch plan proposes 187 fee simple townhome units and 19 apartment units totaling 206 units. The development is currently designed with all internal roads as private roads. Previously developed portions of the plan have currently been platted and constructed with private roadways. The proposed design for Phase II will build upon the first phase and continue to utilize a private street system design that minimizes grading in accordance with the objectives in Section 16.119(a)(9). The new roads will connect to the existing private roads. The private road system is located on private common areas owned and to be maintained by the HOA, similarly to a condominium development but with fee simple lots being established for each of the townhouses. Strict compliance with the regulations would require new public roads with wider right-of-way boundaries that require greater setbacks than the existing roads within Phase I that the new roads will be tied into.

**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 existing Phase I Elkrigde Crossing development used a private roadway network to better utilize the developable area. A private road network for the proposed Phase II will alleviate development constraints resulting from

the layout of the property and surrounding topography and infrastructure. By utilizing private roads, the developable area can be used more resourcefully with the fee simple townhome units and associated lots fronting along a private road network owned and maintained by the Homeowners Association. This would allow for the proposed roads to be consistent with the private roadway network that was constructed with the Phase I Elkridge Crossing development that currently works and serves the existing community. The proposed development also has direct Route 1 frontage which imposes additional design requirements that create design challenges. Site layout requirements established for commercial buildings in CAC zoned properties require building and parking placement to be arranged with the buildings fronting along Route 1 and parking located to the sides and rear. This further constrains the project design as a sizable portion of the front of the property will be encumbered with the mixed-use commercial buildings and associated parking areas immediately to the rear. The private roads will comply with all Howard County design and construction requirements while maintaining a more cohesive design and right-of-way boundaries consistent with the existing internal private road network constructed with Phase I. The private roads will be maintained by the Elkridge Crossing II's homeowners' association community without cost to Howard County and would allow for more control over the developments infrastructure by the Elkridge Crossing II community.

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

Approval of this request will not confer a special privilege on to the applicant that would be denied to other applicants. Allowing the private roads will still provide access for the respective townhouse lots which will be guaranteed by recorded platted easements, and the internal network will be designed to a public road standard for pedestrians and visitors.

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

Approval of the alternative compliance request will not be detrimental to the public interests. The previously constructed sections of Elkridge Crossing shown on the approved S-04-011 and S-19-005 include fee simple townhomes fronting on a private road network and the new amended sketch plan proposed to continue that development concept. The access to the site with narrower private street rights of way provides an enhanced residential lot configuration allowing supportive recreational and landscape area. Compliance with the current requirements of the Development Engineering Division, Department of Public Works, and the Department of Fire and Rescue Services has been considered with the townhouse and roadway design. The private roads are being built in accordance with the Howard County design standards and paving sections. In addition, the proposed private roads will comply with the Howard County design and construction standards and will be maintained by the Elkridge Crossing II Homeowner's Association.

Approval of this Alternative Compliance is subject to the following conditions:


1. Completion of the submitted amended sketch plan application, S-24-001.
2. All proposed infrastructure and improvements for the entire project must be shown on a final plat, supplemental plan, and site development with the private roads placed within common area parcels and bonded through a Developer's Agreement with the final plan or site development plan.
3. The private roadways will be constructed in accordance with the approved Design Manual requirements issued by the Development Engineering Division. Furthermore, the drive must be designed and constructed in accordance with any requirements provided by the Development Engineering Division, Department of Public Works, and the Department of Fire Rescue Services as part of the final plan process.
4. The private roads shall be maintained and repaired by the HOA. The HOA will also be responsible for trash collection, snow removal, parking enforcement, etc.

5. A use in common access easement for the private roadways and alleys, and a maintenance agreement must be prepared and recorded to provide access to all the proposed housing lots and open space lots.
6. Include the alternative compliance request file number, description, and action on all current and subsequent plan and permit submissions.

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 Nicholas Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/NH

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
FCC



Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Chetan Mehta* Date: \_\_\_\_\_

Signature of Petitioner Preparer: *Paul G. Cavanaugh* Date: \_\_\_\_\_

Name of Property Owner: Chetan Mehta Name of Petitioner Preparer: Fisher, Collins & Carter

Address: 5192 Talbots Landing Address: 10272 Baltimore National Pike

City, State, Zip: Ellicott City, MD 21046 City, State, Zip: Ellicott City, MD 21042

E-Mail: cbm@cmehta.com E-Mail: paulc@fcc-eng.com

Phone No.: 443-285-9563 Phone No.: 410-461-2855

Contact Person: Chehta Mehta Contact Person: Paul Cavanaugh

Owner's Authorization Attached