

IN THE MATTER OF	:	BEFORE THE
Cadogan Property, LLC	:	HOWARD COUNTY
Petitioner	:	BOARD OF APPEALS
	:	HEARING EXAMINER
	:	BA Case No. 26-009C

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DECISION AND ORDER

On August 26, 2026, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, held the evidentiary hearing for the Petition of Cadogan Property, LLC (Petitioner) for an Age-Restricted Adult Housing, General (ARAH) Conditional Use in a R-ED (Residential: Environmental Development) Zoning District, filed pursuant to Section 131.0.N.1 of the Howard County Zoning Regulations (HCZR).

The Petitioner certified to compliance with the notice and posting requirements of the Howard County Code. The Hearing Examiner viewed the subject property as required by the Hearing Examiner Rules of Procedure. Christopher DeCarlo, Esq. represented the Petitioner. Samer Alomer, civil engineer, testified on behalf of the Petitioner. No one appeared in opposition.

Petitioner introduced into evidence the following Exhibits:

1. Revised Conditional Use Site Plan (5/28/26)

2. Sight Distance Plan
3. DAP Summary
4. DAP Endorsement signed

FINDINGS OF FACT

Based upon the evidence of record, the Hearing Examiner finds the following facts:

1. Property Identification. The Property consists of 17.86 gross acres, is located in Council District 5, Tax Map 16, Grid 23, Parcel 248, and is identified as 10611 Baltimore National Pike, Ellicott City, Maryland. The slightly irregularly shaped Property is currently unimproved. The site is encumbered with significant environmental features including streams, wetlands, stream and wetland buffers, one pond, and floodplain. Dense vegetation covers the Property. The site's highest point of elevation is 440 feet in the rear of the Property and decreases in elevation to 420 feet towards the front of the Property.

2. Vicinal Properties

Direction	Zoning	Land Use
North	RC-DEO	Baltimore National Pike
South	RC-DEO	Single-Family Detached Dwellings
East	R-ED	Unimproved/Proposed Age Restricted
West	RC-DEO	Unimproved

3. Roads. Frederick Road has two travel lanes within a 50-foot public right-of-way. The speed limit is 50 miles per hour. This portion of Frederick Road is designated as a Howard County Scenic Road.

There is no Average Annual Daily Traffic (AADT) count for this portion of Frederick Road; however approximately 0.9 miles east the AADT was 7,691 vehicle trips.

4. Water and Sewer Service. The Property is within the Planned Service Area for Water and Sewer and is served by public water and sewer. The Property will utilize public water and sewer.

5. The General Plan. The Property is designated Single-Family Neighborhood on the Future Land Use Map of HoCo By Design adopted in 2023.

Frederick Road is classified as a Minor Arterial Public Road and Howard County Scenic Road.

6. Reported Agency Comments.

The Department of Planning and Zoning Resource Conservation Division commented that Section 16.116 of the Subdivision & Land Development Regulations prohibits grading, removal of vegetative cover, paving and new structures within 25' of a wetland or within 100' of a perennial stream. The proposed development will require disturbance to a perennial stream, wetlands and their regulated buffers.

The applicant is encouraged to explore opportunities to minimize impacts to environmental resources, such as obtaining access from Baltimore National Pike, relocating the proposed driveway along the eastern property line (as proposed on the previous plan, SP-15-010), utilizing bridges or bottomless culverts, etc. A valid wetland and forest stand delineation will need to be submitted to DPZ with the initial plan

(Delineations expire after 5 years).

SHA stated that it had no objection to this request subject to the MD 144 access meeting SHA standards.

The Health Department stated that the subject Property is located in the metropolitan district and has never been developed, therefore, the Health Department has no comments or objections to the conditional use.

The Department of Fire and Rescue Services has no comment on, nor objection to, this request.

The Development Engineering Division takes NO EXCEPTION to the request for age-restricted adult housing of 27 units based on the justification presented in the application. This is subject to meeting all current development requirements such as sight distance at Frederick Road (MSHA requirements), APFO roads test, stormwater management, noise restrictions along MD Rt 40 and MD Rt 144, showing any noise mitigation required along MD Rt 40 and connecting to public water and sewer.

DILP stated that handicap accessibility and other building requirements will be reviewed at the time of SDP.

The Division of Land Development commented:

CRITERIA: Potential to comply with all technical requirements in subsequent Subdivision and Site Development Plan stages of Review:

- Approval of necessary plans by the Department of Planning and Zoning will be required prior to the issuance of the required grading and building permits. A new site development plan or a redline to an existing site development plan is required to show the proposed age restricted dwelling units, access driveways, utility and septic hookups and landscaping.
- Access to the proposed site will be provided via the existing frontage from Frederick Road. Access from Baltimore National Pike will require approval from Maryland State Highway Administration.

CRITERIA: The nature and extent of the existing and/or proposed landscaping on the site

are such that the use will not hinder or discourage the development and/or use of adjacent land and structures:

- The Landscape and screening requirements will be reviewed and evaluated at the SDP stage.
- Landscaping screening required for the proposed development of the age restricted dwelling units should be a Type C buffer. Preservation of existing vegetation can support or be used as credit in accordance with the 2026 Howard County Landscape Manual and will need to be shown on the forthcoming Site Development Plan.

CRITERIA: The number of parking spaces will be appropriate to serve the particular use. Parking areas loading areas, driveway and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties:

- Parking requirements and areas for service to the age restricted adult housing units will be reviewed at the SDP Stage. If on-street parking has been restricted by the Department of Fire and Rescue Services additional parking may be required for the proposed use. The parking requirements will be reviewed and verified at the Site Development Plan stage.
- The adjacent uses are single family detached homes. The additional units shall be mitigated with adequate landscaping and screening to the best extent possible per the landscaping comments above and from maintaining existing forested areas and buffers.

CRITERIA: The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere:

- The proposed design closely matches the exhibit provided to the Design Advisory Panel. The disturbances proposed on site are different than those provided with a previously approved design for the property. There is potentially the option to reduce the environmental impacts that are currently shown on the exhibit but will need additional investigation. A new ECP will be required for the proposed development as the previously approved plan (ECP-15-006) is over 10 years old and exhibits a different

design. The existing natural environmental conditions of the subject site must be thoroughly assessed by an environmental professional and findings must be provided with the forthcoming ECP and SDP. Any new proposed disturbances to protected environmental site elements may require approval of an alternative compliance request to the applicable Land Development Regulations.

CRITERIA: Design Advisory Panel Review:

- The proposed development is subject to the Design Advisory Panel (DAP) review as the project proposes construction of an age restricted adult housing community pursuant to a conditional use. The project was initially seen at the January 14, 2026 DAP meeting. The submitted exhibit closely resembles the proposal that was presented to the DAP. The subsequent designs and plans will need to address the DAP comments and motions made at the DAP meeting. The DAP motions regarding connectivity to the surrounding neighborhood, use of native plant materials in the plant lists, and keeping the proposed architecture designs in line with the natural intent of the development should be considered as the development progresses.

7. Zoning History.

Case: AA-14-019

Petitioner: Cadogan Property, LLC

Request: An administrative adjustment to zoning map for drafting errors

was requested on the basis that the pipestem of the parcel was erroneously excluded from the rezoning to R-ED.

Approved, December 2014 Case Number: BA-10-014C

8. Design Advisory Panel (DAP). DAP reviews and makes recommendations on developments of Age-Restricted Adult Housing pursuant to Title 16, Subtitle 15 of the Howard County Code. HCZR §131.O.N.a.18 requires that “the Conditional Use Plan and the architectural design of the building(s) shall have been reviewed by the Design

Advisory Panel... prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.” Section 16.1504 sets forth the recommendations the Panel shall make consistent with the compatibility criteria for Age-Restricted Adult Housing including, but not limited to, the design for buildings, vehicular circulation and access, pedestrian access and linkages, parking, existing trees, landscaping, and walls and fences. The Panel shall also address scale, massing, and compatibility of building in relation to the surrounding area as well as the architectural style, materials, entrances, windows, roof design, and colors of the proposed structures. Proposed open space including pathways, public spaces, amenity areas, and similar features are also to be considered by the Panel.

DAP reviewed the proposed Conditional Use Plan at its January 14, 2026 meeting.

Background

The site is located at 10611 Frederick Road in Ellicott City. The 17.26-acre project site is listed as Parcel 248, with direct frontage along Route 40 and Frederick Road, zoned Residential Environmental Development (R-ED) and Rural Conservation (RC-DEO). R-ED and RC zoning were established along Route 40 to promote residential development and maintain beneficial environmental areas. The project site is currently undeveloped and is mostly forest and environmental elements, with an existing pond. Direct access to the property is currently provided from Frederick Road via an access drive. The project will require a Conditional Use petition to be approved to permit the age restricted

development on the R-ED and RC Zoned property.

Applicant Presentation

The proposed development is a 27-unit Age Restricted Adult Housing (ARAH) community, comprised of attached, detached, and semidetached housing types. The site is 17 acres in size and is encumbered with environmental features, including streams, wetlands, and their respective buffers. A large portion of the site is undevelopable due to floodplain, and much else of the site will be preserved under a forest conservation easement.

The site lies adjacent to the John Bernard community and the recently proposed Terra Maria community, which include single-family homes, townhomes, and duplexes. Access to the development will be provided from MD Route 144. Frontage also occurs along Route 40, and a noise wall will be installed but will not be visible from the roadway due to overgrowth and other vegetation. A privacy fence will be installed along the perimeters of the neighboring single-family homes.

One internal road will extend throughout the site and will be lined with sidewalks on both sides. Landscaping is proposed along the internal road, site perimeter, and will be further interspersed throughout the site. Several stormwater management ponds are proposed and will also be landscaped. A community building will be provided toward the west of the site and is proposed to have a deck and seating area.

Staff Presentation

The applicant proposes to develop the property and create a 27-unit age restricted development, community building and associated site amenities. As the proposed

development is for Age Restricted Adult Housing in R-ED zoning, the applicant will need to receive approval for Conditional Use. The project will split the development into two areas generally in the north and southern ends of the property to avoid existing stream and wetland areas on site. Access will be provided from Frederick Road into the development via a private access road. Stormwater management is proposed to be addressed through new bio-retention facilities. Exterior building materials include color variations of masonry elements and paneling. Vinyl siding will be incorporated along the exterior with glass windows and metal trim. DPZ requested comments and recommendations on the configuration and orientation of the site plan, proposed amenities for the community, and the proposed architecture for the site.

DAP Questions and Comments

Site Design

DAP asked whether the applicant had considered redistributing the community building parking to both sides of the roadway or relocating the community center east to allow for additional parking.

The applicant stated that neither option is viable due to the presence of wetlands and associated buffers. In response to concerns about additional parking, the applicant noted that the roadway was intentionally widened based on prior experience with on-street parking in similar developments.

DAP recommended adding parking at the eastern end of the development to discourage parking at the hammerhead terminus and avoid potential interference with fire and trash collection vehicle turnarounds.

DAP suggested widening the shared southern driveway to prevent parallel parking from blocking unit entrances.

DAP asked whether the eastern road terminus to the recently proposed Terra Maria community. (sic)

The applicant responded that the Terra Maria proposal was denied Conditional Use approval but noted the connection would be reconsidered if future circumstances change.

Architecture

DAP noted that the two southernmost units are contextually disconnected from the rest of the development, both in placement and orientation, and requested additional architectural treatment be applied to better integrate them.

DAP suggested wrapping the community building porch around the rear to provide seating with forest views and to better utilize the forest conservation area, where walkways are not permitted.

DAP recommended making unit entrances more pronounced to appear intentional and adding overhangs above entrance doors to provide weather protection.

DAP liked the proposed color and material palette for the buildings, noting their consistency throughout the development. The panel recommended incorporating the same colors into the community building.

Landscape

DAP appreciated the proposed stormwater management selection and placement within the proposed development.

DAP recommended adding additional greenery and vegetation or an amenity space, such as a bocce ball court, behind the community building parking area.

DAP inquired about the proposed plant palette for the site because the renderings showed more expensive and harder-to-maintain plants than what is usually proposed for such developments.

The applicant responded that the renderings were for aesthetic purposes and that all plantings would be selected from the recommended planting list in the County's Landscape Manual.

DAP suggested that planting efforts be focused within the micro bioretention ponds to make them look more appealing.

DAP recommended shifting sidewalks away from the roadway to allow for a planting strip.

DAP Motions for Recommendations

DAP member Greg Ault made the following motion:

Move the sidewalk off of the back of curb to a minimum of 6 feet with street tree plantings.

DAP Chair Kellie Hollenbeck seconded.

Vote: 4-0 to approve.

Applicant responded that there is no room to do this. The Design Manual allows for sidewalks to be adjacent to the curb and street trees have been provided along the road.

DPZ Director accepted the Applicants response.

DAP member Greg Ault made the following motion:

Provide crosswalks where the sidewalks come together.

DAP Chair Kellie Hollenbeck seconded.

Vote: 4-0 to approve.

Applicant responded that crosswalks will be provided.

DPZ Director accepted both the DAP Recommendation and the Applicants response.

DAP Chair Kellie Hollenbeck made the following motion:

Architecturally that the massing of the units focuses entrances and provides cover over the entrances to protect them from rain.

DAP member Greg Ault seconded.

Vote: 4-0 to approve.

Applicant responded that covers over the entrance have been provided and revised renderings have been provided to show the updates.

DPZ Director accepted the DAP Recommendation and the Applicants response.

DAP member Dan Lovette made the following motion:

The applicant investigate means to accommodate additional parking at the easternmost point of the development where the road terminates.

DAP Chair Kellie Hollenbeck seconded.

Vote: 4-0 to approve

Applicant states that additional parking has been provided, not at the turn around but close to it.

DPZ Director accepted the DAP Recommendation and Applicants response.

9. Conditional Use Proposal. The Petitioner proposes to construct an Age-Restricted Adult Housing (ARAH) development, in accordance with the Conditional Use Plan, "the Plan". The proposed ARAH development consists of twenty-seven (27) total dwelling units, an approximate 540 square-foot community center, and approximately 12.50 gross acres of open space. The dwelling units proposed are a mix of five single family detached units, four single family semi-detached units, and 18 single family attached units. Access to the ARAH development will be from a new private road onto Frederick Road (MD-144) and ending in a T-turnaround within the development.

BURDEN OF PROOF

The Court of Appeals of Maryland has frequently expressed the applicable standards for judicial review of the grant or denial of a Conditional Use. The Conditional Use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The Conditional Use is a valid zoning mechanism that delegates to an administrative body a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating this presumption. The legislative body has statutorily

determined that a Conditional Use is compatible in a particular zoning district absent specific facts adduced to the contrary at a particular location. The duties given the hearing body are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the Zoning Plan.

The Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. These prescribed standards and requirements are conditions precedent to the approval of a conditional use. If he shows to the satisfaction of the zoning body that the conditions precedent have been met and that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest to a greater extent than if the proposed use were located elsewhere, he has met his burden.

The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the zoning body to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a Conditional Use is arbitrary, capricious, and illegal. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Rockville Fuel & Feed Co. v. Board of Appeals of Gaithersburg, 257 Md. 183, 187-88, 262 A.2d 499, 502 (1970); Montgomery County v.

Merlands Club, Inc., 202 Md. 279, 287, 96 A.2d 261, 264 (1953); Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

These standards dictate that if a requested Conditional Use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1325 (1981). See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

The appropriate standard to be used in determining whether a requested Conditional Use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed and the particular location proposed would have any adverse effects above and beyond those inherently associated with such a Conditional Use irrespective of its location within the zone. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Deen v. Baltimore Gas & Electric Co., 240 Md. 317, 330-31; 214 A.2d 146, 153 (1965); Anderson v. Sawyer, 23 Md. App. 612, 617-18, 329 A.2d 716, 720, 724 (1974). Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1331 (1981). See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

CONCLUSIONS OF LAW

1. General Criteria for Conditional Uses (Section 131.0.B)

HCZR Sections 131.0.B.1-3 require the Hearing Authority to evaluate whether the proposed Conditional Use will be in harmony with the landscape uses and policies indicated in the Howard County General Plan for district in which it is located through the

application of three standards: harmony with the General Plan, overall intensity and scale of use, and atypical adverse impacts.

A. Harmony and Intensity of Use

Section 131.0.B.1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.

While Howard County General Plan policies are not directly related to Conditional Use requests for ARAH, the proposed use is in harmony with the following *HoCo by Design* policies that encourage housing options for residents at diverse life stages:

Policy DN 12: "Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities."

Implementing Action #3 states "Encourage Age-Restricted Adult Housing (ARAH) developments to build small- to medium-scale housing units to include apartments, condominiums, townhomes, and missing middle housing."

Section 131.0.B.2. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.

The Petitioner is proposing 27 dwelling units on 17.86 acres of land with a net acreage of 11.67 acres. In the R-ED zoning district, an ARAH development with 20 or more dwelling units may be approved up to a maximum residential density of 4 dwelling unit per net acre. The Petitioner is proposing 27 units on 11.67 acres which is a density of approximately 2.3 units/acre. The development complies with all setbacks, environmental buffers and provides more than the required 50% open space.

The proposed ARAH development would provide one point of access on Frederick Road, a minor arterial, which is an appropriate classification for the types and number of vehicles associated with the proposed use. The internal vehicular circulation will be implemented by one private road ending in a T-turnaround, as illustrated on the Plan.

Therefore, the nature and intensity of the use, the size of the Property in relation to the use, and the location of the site, with respect to streets that provide access, are such that the overall intensity and scale of the use are appropriate.

B. Adverse Impacts (Section 131.0.B.3)

Unlike HCZR Section 131.0.B.1, which concerns the proposed use's harmony or compatibility with the General Plan, or Section 131.0.B.2, which concerns the on-site effects of the proposed use, compatibility of the proposed use with the neighborhood is measured under Section 131.0.B.3's six off-site, "adverse effect" criteria: (a) physical conditions; (b) structures and landscaping; (c) parking areas and loading; (d) access; (e) environmentally sensitive areas; and (f) impact on the character and significant historic sites.

Inherent in the assessment of a proposed Conditional Use under these criteria is the recognition that virtually every human activity has the potential for adverse impact. The assessment therefore accepts some level of such impact in light of the beneficial purposes the zoning body determined to be inherent in the use. Thus, the question in the matter before the Hearing Examiner is not whether the proposed use would have adverse effects in an R-ED Zoning District. The proper question is whether there are facts and circumstances showing the particular use proposed at the particular location would have any adverse effects above and beyond those inherently associated with such a special

exception [conditional] use irrespective of its location within the zones. *People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54, 956 A.2d 166 (2008); *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981); *Mosburg v. Montgomery*, 107 Md. App. 1, 666 A.2d 1253 (1995).

For the reasons stated below, Petitioner has met its burden of presenting sufficient evidence under HCZR Section 131.0.B.3 to establish the proposed use will not have adverse effects on vicinal properties beyond those ordinarily associated with an Age-Restricted Adult Housing, General, in the R-ED Zoning District.

Section 131.0.B.3.a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.

The proposed development will consist of twenty-seven (27) dwelling units, including 5 single family detached units, 4 single family semi-detached units, and 18 single family attached units. There is no evidence of atypical adverse effects such as noise, dust, fumes, odors, vibrations, increased lighting, hazards or other physical conditions that would be greater at the subject site than generally elsewhere in the R-ED zoning district.

The lighting generated by the proposed Conditional Use will be regulated by HCZR Section 134.0 and light trespass must be under the permitted allowances.

Section 131.0.B.3.b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.

The proposed buildings, structures, and fences comply with all setback and height requirements. The perimeter of the Property and proposed units will be screened by existing and proposed landscaping/vegetation, which will be reviewed for compliance with Section 16.124 of the Howard County Code and Landscape Manual at the Site Development Plan stage. Parking areas and the community building are screened from adjoining properties with vegetation and are located internal to the development.

Therefore, the use will not likely hinder or discourage the development and/or use of adjacent land and structures more at the subject Property than generally elsewhere in the R-ED zoning district.

Section 131.0.B.3.c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be approximately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

Parking requirements for single-family attached and detached ARAH Developments are 2 spaces per dwelling unit with an additional 0.3 spaces per dwelling unit for visitors. Additionally, 10 parking spaces per 1,000 square feet of assembly area are required for the Community Center. The total requirement for this project is approximately 68 spaces (62 spaces for units, 6 spaces for community building). 125 spaces for units and 13 spaces for community are provided.

Section 131.0.B.3.d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.

The ingress and egress for the development is from Frederick Road, a minor arterial road, controlled by the State Highway Administration (SHA). The proposed ARAH development will provide one point of access on Frederick Road via an

approximately 25-foot-wide private road, and 50-foot right-of-way. The proposed access will not be shared with other residential properties. Precise sight distance measurements can only be determined by a detailed sight distance analysis, which is typically conducted during Site Development Plan review. A preliminary line of sight analysis has been provided. SHA maintains access control of Frederick Road and approval by SHA is required. Approval of access on Frederick Road for a 22 dwelling by right development on the subject Property was previously approved by SHA in 2017.

Section 131.0.B.3.e The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

The Property is significantly encumbered by environmental features. Environmental features on the Property include a perennial stream, 100-foot stream buffer, 100-year floodplain, wetlands, wetland buffers, and heavy vegetation. The Howard County Resource Conservation Division (RCD) and Division of Land Development (DLD) provided advisory comments pertaining to environmental features and site design. With adherence to these comments, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere in the R-ED zoning district.

The property is located in the Planned Service Area (PSA) and will utilize public water and sewer.

Section 131.0.B.3.f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

The closest historic site (HO-993) on the Historic Sites Inventory is located approximately 0.22 miles to the east and is buffered from the proposed development

by significant distance and single family detached homes. Given the setback distances and proposed and existing landscaping on the Property, the proposed use does not have the potential to diminish the character and significance of any historic sites in the vicinity. Therefore, the proposed use will not have a greater potential to diminish the character and significance of historic sites in the vicinity than elsewhere in the R-ED zoning district.

2. Specific Criteria for Age-restricted Adult Housing (Section 131.0.N.1.a)

1.a. Age-restricted Adult Housing, General

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, or R-A-15 District, for age-restricted adult housing, provided that:

- (1) Single-family detached, semi-detached, multi-plex attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the R-ED, R-20 and R-12 districts.**

The Property is zoned R-ED, and the Petitioner is proposing twenty-seven (27) single-family detached, semi-detached, and attached dwellings. Therefore, this criterion is satisfied.

- (2) In the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.**

The Property is zoned R-ED, and the Petitioner is proposing 27 dwelling units. Therefore, this criterion is satisfied.

- (3) Only detached and semi-detached units are permitted in the RC and RR Districts.**

The Property is zoned R-ED and therefore this criterion does not apply.

(4) The maximum density shall be as follows:

The Property is zoned R-ED which has a maximum Conditional Use density of 4 dwelling units per acre. The Property is 11.67 net acres. The Petitioner is proposing 27 units. The proposed residential density is 2.3 dwelling units per net acre. Therefore, this criterion is satisfied.

(5) If the development results in increased density according to subsection (4) above, the site must have frontage on or direct access to a collector or arterial road designated in the General Plan.

The proposed development has frontage and direct access onto Frederick Road, a minor arterial.

(6) Site Design:

The landscape character of the site must blend with adjacent residential properties. To achieve this:

(a) Grading and landscaping shall retain and enhance elements that allow the site to blend with existing neighborhood.

The Property is adjoined by single family detached homes and open space. The proposed development will be buffered by existing and proposed landscaping, screening, buffering, and setbacks from adjoining residential properties.

(b) The project shall be compatible with residential development in the vicinity by providing either:**(i) An architectural transition, with buildings near the perimeter that are similar in scale, materials, and architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or**

The proposed units will be two-story single-family detached, semi-detached, and attached dwellings, similar to the adjoining residential uses. The semi-attached and attached dwelling units are largely proposed internal to the Property with a larger distance setback.

- (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms, or increased setbacks.**

The development proposes to retain existing landscaping as well as install new landscaping to buffer adjoining residential uses. The proposed units adjacent to existing residential units are buffered with distance due to the pipestem driveway.

- (c) For projects with less than 50 dwelling units in the R- ED, R-20 and R-12 Districts, setbacks from existing public streets shall be the same as the setback required for residential uses on adjacent properties.**

The proposed development is less than 50 dwelling units and shall have the same setback from existing public streets as residential uses on adjacent properties. This developments setback from Frederick Road exceeds the setback of residential uses on adjacent properties. The developments setback from Baltimore National Pike is 40 feet. The adjacent properties along Baltimore National Pike are zoned R-ED and RC-DEO and require a 75-foot setback for residential uses from existing public streets. The adjoining properties along Baltimore National Pike are vacant and do not contain residential structures or uses. The closest residential uses along Baltimore National Pike are over 650 feet from the development and are platted with a 30-foot setback from Baltimore National Pike. This criterion is met.

(7) Bulk Requirements**(a) ii. Other principal structures34 feet**

The detailed height elevations of the proposed buildings will not exceed 34 feet.

(b) Minimum structure and use setback:

The Plan complies with required setbacks. The Petitioner should delineate the 30-foot setback from open space or multi-family uses at any future plan stage.

(c) Minimum structure setback from interior roadway or driveway for units with garages 20 feet

As detailed on the Plan, all dwellings along the interior roadway contain garages and comply with the 20-foot setback

(d) Minimum structure setback from lot lines for single-family detached units

The single-family detached units do not include fee-simple lots.

(e) Minimum distance between single-family detached and/or attached dwellings:

The three proposed single family detached units straight back from the entrance from Frederick Road do not meet the required 15-foot side-to-side distance requirement. Also, one of the single-family detached units in the rear of the Property, across Gibran Lane, does not meet the required face-to-rear 100-foot distance requirement with the semi-detached units to the east. The location of these dwellings may need to be modified.

All other proposed units meet the required face-to-face, side-to-side, and face-to-side distance requirements.

(f) *Minimum distance between apartment buildings or between apartment buildings and single-family dwellings:*

Apartments are not proposed; therefore, this criterion does not apply.

(g) *Apartment buildings and groups of single-family attached units may not exceed 120 feet in length. However, the Hearing Authority may approve a greater length, up to a maximum of 300 feet in R-SA-8, R-A-15 and R-APT, or 200 feet in other districts, based on architectural design that mitigates the visual impact of the increased length.*

The proposed single-family attached buildings are delineated as 140 feet in length; therefore, the criterion of a maximum length of 120 feet is not met. However, the Hearing Authority may approve a greater length, up to a maximum of 200 feet, based on architectural design that mitigates the visual impact of the increased length.

(8) *At least 50% of the gross site area in the RC, RR, R-ED Districts, at least 35% in the R-20, R-12, and R-SC Districts, and at least 25% in the R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and recreation areas for the residents, and shall be protective of natural features.*

The Property is zoned R-ED and approximately 70% of the site or 12.50 acres of open space is proposed. The open space or open area is proposed to provide amenities, recreation spaces, and forest conservation.

(9) *Accessory uses may include social, recreational, educational, housekeeping, security, transportation, or personal services, provided*

that use of these services is limited to on-site residents and their guests.

No accessory uses are proposed.

- (10) At least one on-site community building or interior community space shall be provided that contains a minimum of:**

- (a) 20 square feet of floor area per dwelling unit, for the first 99 units with a minimum area of 500 square feet, and**

The Petitioner is required to provide 540 square feet of floor area for on-site community buildings. The Petitioner satisfies this requirement by providing a 540-square-foot community building. Therefore, the proposed community space complies with this criterion.

- (b) 10 square feet of floor area per dwelling unit for each additional unit above 99.**

This proposed development consists of 27 units; this criteria does not apply.

- (11) Loading and trash storage areas shall be adequately screened from view.**

The Plan indicates no loading, or trash areas are proposed. The proposed ARAH units will utilize standard household trash containers.

- (12) For a development that will be built in phases, open space areas, recreational facilities and other accessory facilities shall be provided in each phase to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the Conditional Use is approved.**

The development will not be constructed in phases therefore this criterion does not apply.

- (13) The petition shall establish how the age restrictions required under the definition of this use will be implemented and maintained over time. If the development will not be a rental community under single ownership, an entity such as a condominium association or homeowner's association shall be established to maintain and enforce the age restrictions in addition to County enforcement of zoning regulations.**

The ARAH development's age restriction will be established, implemented, and maintained through a Declaration of Covenants administered through the homeowners association.

- (14) All open space, common areas and related improvements shall be managed and maintained by a common entity, either the owner of the development, a condominium association, or a homeowner's association.**

All open space, open area, common area and related improvements will be managed and maintained in perpetuity by a condominium or homeowners association to be established by the Petitioner.

- (15) The development shall incorporate universal design features from the Department of Planning and Zoning guidelines that identify required, recommended, and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units, and common areas.**

The proposed development will incorporate all of the required Universal Design Guideline features. In particular, the Petitioner proposes to incorporate the following universal design features in all units:

No-step front access to the front entrance

- 36" wide front door with exterior lighting

- All exterior doorways at least 32" wide
- Hallways at least 36" wide
- Lever handles on interior and exterior doors
- Blocking for grab bars in bathroom walls near toilets and shower
- Slopes of ramps on the exterior of units shall be in accordance with current Howard County regulations.

(16) At least 10% of the dwelling units in the R-ED, R-20, R-12 and R-SC Districts, and at least 15% in the R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be Moderate Income Housing Units.

Petitioner shall comply with the 10% MIHU requirement, whether through the units themselves or thorough fee-in-lieu, fulfillment will be addressed at the Site Development Plan stage.

(17) Housing for the elderly special exceptions uses approved by the Board of Appeals on or prior to July 12, 2001 and constructed under the zoning regulations in effect at that time, may convert the existing dwelling units to age-restricted adult housing uses, with respect to minimum age restrictions only, without being subject to further hearing authority review and approval under current Conditional Use requirements, provided that the dwelling units are made subject to the new covenants and other legal means of enforcing the age-restricted adult housing minimum age restrictions, and that a copy of the recorded new covenants is submitted to the Department of Planning and Zoning to be filed in the original special exception case file.

A special exception (Conditional Use) for housing for the elderly has not been approved by the Board of Appeals for this Property, therefore, this criterion does not apply.

- (18) The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.**

The Design Advisory Panel (DAP) reviewed the architectural designs on January 14, 2026. At the January meeting, DAP made the following motions:

- Move the sidewalk off of the back of curb to a minimum of 6 feet with street tree plantings.
- Provide crosswalks where the sidewalks come together.
- Architecturally that the massing of the units focuses entrances and provides cover over the entrances to protect from rain.
- The applicant investigate means to accommodate additional parking at the easternmost point of the development where the road terminates.

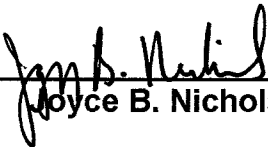
The DAP meeting summary and Petitioners response thereto are provided with the Petition.

ORDER

Based upon the foregoing, it is this 27th day of August, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That the Petition of Cadogan Property, LLC, for an Age-Restricted Adult Housing, General, Conditional Use, in a R-ED (Residential: Environmental Development) Zoning District, Tax Map 16, Grid 23, Parcel 248, Council District 5, identified as 10611 Baltimore National Pike, Ellicott City, Maryland, be and is hereby **APPROVED**.

HOWARD COUNTY BOARD OF APPEALS**HEARING EXAMINER**



Joyce B. Nichols

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.