



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

May 21, 2021

Whiskey Bottom South Condominiums  
9220 Bridle Path Lane, Unit F  
Laurel, MD 20723  
Attn: Craig Jones

RE: WP-21-121 Whiskey Bottom South Condominiums

Dear Mr. Jones:

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 May 20, 2021 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(ii)** of the Subdivision and Land Development Regulations to stabilize 161 linear feet of eroding stream bank. Please see the attached Final Decision Action Report for more information.

On May 17, 2021 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 16.115(c)** of the Subdivision and Land Development Regulations to temporarily disturb 3,980 square feet of floodplain to stabilize the stream banks.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c) 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 stream stabilization and restoration project is intended to protect the structural stability of the existing condominium buildings. Strict conformance with the regulations would deprive the applicant of the right to protect the existing infrastructure from the eroding stream banks.

**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 condominium buildings are located at the top of a slope along the stream. The erosion of the stream banks has destabilized the slope and threatens the structural stability of the buildings. Strict adherence to the regulations would result in an unreasonable hardship to the applicant since the erosion will continue to impact the structural integrity of the buildings.

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

The stream restoration project is proposed for the sole purpose of preventing damage to the foundations of the adjacent condominium buildings.

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

The goal of the project is to protect existing residential multi-family buildings and other infrastructure. The erosion of the stream banks and slope has created an unsafe situation for the residents. The limit of disturbance for the project has been minimized by using gabions, which will reduce the grading necessary to stabilize the stream banks. Stabilization of the stream banks in this area will reduce sedimentation downstream.

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

1. All disturbed areas within the stream, stream bank buffer and 100-year floodplain shall be stabilized, seeded and/or planted after construction is complete. The Site Development Plan, SDP-72-084, shall be revised to include all required stabilization, seeding and planting details for the proposed project. The disturbed areas within the stream buffer shall be replanted at a rate of at least 100 trees per acre.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers for disturbances within the stream and floodplain. The applicant shall coordinate with MDE to revise the existing authorization (201961118/19-NT-3160) to be consistent with the stream bank and floodplain impacts as shown on the alternative compliance plan exhibit and SDP-72-084. Reference the MDE authorization numbers on SDP-72-084 and provide copies of the approved MDE authorizations with the grading permit application.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related site development plans and grading 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 Eric Buschman at (410) 313-2350 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief  
Division of Land Development

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services  
Landmark Engineering, Inc.



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

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## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF PUBLIC WORKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-21-121 Whiskey Bottom South Condominiums**  
*Request for an alternative compliance to Section 16.116(a)(2)(ii) of the Subdivision and Land Development Regulations.*

**Applicant:** Whiskey Bottom South Condominiums  
Contact: Craig Jones  
9220 Bridle Path Lane, Suite F  
Laurel, MD 20723

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)(ii)** of the Subdivision and Land Development Regulations. The purpose is to stabilize 161 linear feet of eroding stream bank. The Directors deliberated the application in a meeting on May 20, 2021.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

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

The work is proposed to prevent further stream bank erosion which is jeopardizing the global stability of the residential condominium buildings located immediately above the eroding stream. Strict conformance with the regulations would deprive the applicant from stabilizing the stream to protect the buildings and other existing infrastructure.

**2. The 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 condominium buildings are located immediately adjacent to the eroding stream. The slope between the stream and buildings became unstable as a result of the continued erosion and a retaining wall was constructed. The proposed stream restoration will stabilize the stream banks and protect the wall and buildings. Strict adherence to the regulations would allow the erosion to continue which will eventually damage the newly-constructed retaining wall and existing condominium buildings.

- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**  
The variance will not confer to the applicant a special privilege that would be denied to other applicants. There are no structures or impervious surfaces proposed as part of this project. The project is proposed to prevent damage to the adjacent condominium buildings.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**  
The project will not have a negative impact on public interests since the project is intended to stabilize eroding stream banks. All sediment and erosion control regulations will be enforced during construction. The goal of the project is to protect existing multi-family residential condominium buildings. The erosion of the stream banks and adjacent slope has created an unsafe condition for the residents. The limit of disturbance for the project has been minimized by proposing gabions, which will reduce the amount of required grading and removal of vegetation.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**  
All areas within the limit of disturbance will be stabilized and seeded or planted after construction is complete. Details will be provided on the Site Development Plan. The disturbed area will be replanted with native vegetation at a rate of 100 trees per acre, which is consistent with reforestation plans. The area will eventually develop into a forest if it remains undisturbed as proposed. The owners are proposing a 5-year maintenance plan for the plantings.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**  
To minimize adverse impacts to water quality, fish and wildlife habitat, the proposed work will utilize techniques by the Waterway Construction Guidelines prepared by the MD Dept. of the Environment for all work within the stream and banks. Stabilization of the stream banks will reduce sedimentation downstream. Tree plantings will provide mitigation to minimize adverse impacts to the vegetative community. All required authorizations and permits will be obtained from the MD Dept. of the Environment and U.S. Army Corps of Engineers for the proposed impacts to regulated resources.
- 7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.**  
The project will utilize gabions and retaining walls to reduce the amount of grading and removal of vegetation. All disturbed areas will be stabilized and seeded or planted after construction is complete.

**Directors Action:** Approval of alternative compliance of Section 16.116(a)(2)(ii) is subject to the following conditions:

1. All disturbed areas within the stream, stream bank buffer and 100-year floodplain shall be stabilized, seeded and/or planted after construction is complete. The Site Development Plan, SDP-72-084, shall be revised to include all required stabilization, seeding and planting details for the proposed project. The disturbed areas within the stream buffer shall be replanted at a rate of at least 100 trees per acre.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers for disturbances within the stream and floodplain. The applicant shall coordinate with MDE to revise the existing authorization (201961118/19-NT-3160) to be consistent with the stream bank and floodplain impacts as shown on the alternative compliance plan exhibit and SDP-72-084. Reference the MDE authorization numbers on SDP-72-084 and provide copies of the approved MDE authorizations with the grading permit application.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Thomas Meunier*

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Thomas Meunier, Director  
Department of Public Works

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
DED  
OCS, Joshua Feldmark  
DPW, Thomas Meunier  
Landmark Engineering, Inc.



**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-21-121*  
 Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Whiskey Bottom North

**Subdivision Name/Property Identification:** Section 2, Area 2, Whiskey Bottom Condominium South

**Location of property:** Behind 9200 and 9220 Bridle Path Lane

**Existing Use:** Multi-Family (Garden Condo)      **Proposed Use:** Multi-Family (Garden Condo)

**Tax Map:** 50      **Grid:** 22      **Parcel No:** A      **Election District:** 6th

**Zoning District:**      **Total site area:** 9.0307

**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:**

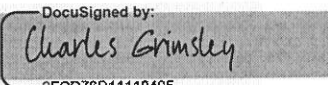
Site Development Plan SDP-72-84 approved January 04, 1972, Revised May 07, 2009, May 20 2017 & October 9, 2019. The October, 2019 Revision was Phase 1 of this project. This application accompanies a new SDP revision request to conduct stream stabilization to prevent damage to existing townhouses. This revision constitutes Phase 2 of this project.

**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
	Erosion has caused the stream-bank to move closer to the existing townhouse community. Further erosion would negatively impact the global stability of the embankment and threaten the structural integrity of the homes.
16.115(c)	Clearing, excavating, filling, and constructing gabion walls (altering drainage) to disturb 3,980 sq. ft. of 100-year floodplain for stabilization and restoration of stream banks.

Section Reference No.	Brief Summary of Request
16.116(a)(2)(ii)	This design minimizes disturbance by using gabion walls rather than more extensive grading. 161 linear feet of stream bed disturbance and 11,269 sq. ft. of stream bank buffer disturbance for stabilization a restoration of the stream.

**Signature of Property Owner:**  **Date:** 4/2/2021

**Signature of Petitioner Preparer:**  **Date:** 4/1/2021

**Name of Property Owner:** Whiskey Bottom S. Condo. **Name of Petition Preparer:** Charles T. Grimsley, P. E.

**Address:** 9220 Bridle Path Lane Unit F **Address:** Landmark Engineering , Inc.  
11208 Buckwood Lane

**City, State, Zip:** Laurel, MD 20723 **City, State, Zip:** Rockville, MD 20852

**E-Mail:** caj2481@gmail.com **E-Mail:** landmarkctg@aol.com

**Phone No.:** 301-906-7382 **Phone No.:** 301-230-5881

**Contact Person:** Craig Jones **Contact Person:** Charles T. Grimsley, P. E

**Owner's Authorization Attached**