



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

October 22, 2021

Pines at Dickinson Condominiums
c/o Nagle & Zaller, P.C.
attn: John Tsikerdanos
7226 Lee DeForest Drive, Suite 102
Columbia MD 21046

RE: **WP-22-002 The Pines at Dickinson Condominium**
Village of Kings Contrivance

Dear Mr. Tsikerdanos:

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.

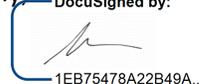
On October 13, 2021 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations to replace an old timber retaining wall that is within the 100-foot stream bank buffer of an existing tributary stream.

Please see the attached Final Decision Action Report for more information.

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/or building permits. This alternative compliance approval will remain valid for one year from the date of this letter.

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

Sincerely, DocuSigned by:



Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj
cc: Research
DED
DLD - Julia Sauer
Zoning – Annette Merson
DILP – Permit Review
DPW – Mark Richmond
Triad Engineering – Billie Swailes



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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-22-002 Pines at Dickinson Condominiums**
Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.

Applicant: Pines at Dickinson c/o Nagle & Zaller, P.C.

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 applicant's request for an alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations. The purpose is to replace an old timber retaining wall that is within a 100-foot stream bank buffer of an existing tributary stream. The Directors deliberated the application on October 13, 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 rights commonly enjoyed by others in similar areas.

The condominium development has an existing timber retaining wall next to the perennial stream that has been undermined by erosion in the stream channel creating a void behind the wall and causing an unsafe situation. Adjacent and above the wall is a two-story condominium building that the wall provides stability for, and if not repaired, may result in loss of access to the building and potential structural damage. The petitioner proposes disturbance to the stream and stream bank buffer to eliminate the retaining wall and construct a new countersunk metal box culvert in the channel to maintain the natural stream bottom and provide stability for the condominium building. Strict conformance with the requirements will deprive the applicant rights enjoyed by others who would be given the same opportunity to request relief to disturb a regulated environmental feature to repair and/or replace a failing structure that is located within the limits of an environmentally regulated area. DPZ is in support of this request because the work would replace an existing wall and would be correcting and improving the existing condition within the buffer.

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 failing retaining wall exists and was constructed in proximity to an existing stream channel. The practical difficulty inherent to this request is the location of the wall in relation to the stream channel which does not afford the applicant the ability to perform the necessary work to replace the wall without disturbing the stream bank buffer.

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

The applicant has provided justification, including current photos, of a failing retaining wall structure that was constructed within an existing stream channel. Because of the surrounding development, runoff from increased stormwater velocities have been experienced in the stream channel causing erosion of the banks and compromising the integrity of the retaining wall. Addressing a current, hazardous condition will not confer the applicant a special privilege that would be denied to other applicants.

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

The approval of this alternative compliance is not detrimental to the public health, safety or welfare, or injurious to other properties. The disturbance is minimal and limited to a 4,630 SF area to replace a failing retaining wall that shall improve an unsafe condition within the streambank channel.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

The applicant to shall return all disturbed areas to its natural condition. These disturbed areas shall be seeded and revegetated after construction.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

There is no evidence that this proposal will have any adverse impacts to water quality and fish, wildlife, and vegetative habitat. The applicant states that the impacts will be temporary and the repairs/upgrades to this section of the stream channel shall help to alleviate the erosion problems that are currently occurring.

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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.

As part of the retaining wall replacement and repair, the applicant proposes to install a box culvert pipe and counting sinking to provide a natural channel bottom and normal depth sides. This design will have to be approved by the Development Engineering Division in conjunction with the Department of Public Works Bureau of Engineering. The applicant's reasoning for this design is to provide mitigation to stop the scour erosion through the section of the stream where the retaining wall is to be removed. In addition, the side discharging storm drainpipe shall discharge into the outfall protection, thus reducing the energy it adds to the channel. These mitigation methods shall be evaluated as part of the redline revision (as stipulated in the conditions above).

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

1. The disturbance to the stream bank buffer shall be limited to the 4,630 SF area that is shown on the plan exhibit filed with this petition. No grading or removal of vegetative cover or trees is permitted beyond the LOD area of 4,630 S.F. All disturbed areas shall be seeded after construction is complete.

2. Authorization and/or permit numbers for the proposed stream disturbance must be provided from the Maryland Department of the Environment (MDE).

3. The petitioner must receive approval of a plan revision (redline) to the site development plan (SDP-82-051) before construction commences. The plan revision must be prepared to address all information requested by the Development Engineering Division in their comments dated July 13, 2021, and all additional County comments issued as part of the plan redline to SDP-82-051.

4. The applicant shall comply with all permitting requirements from the Department of Inspections, Licenses and Permits.

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



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

August 6, 2021

Pines at Dickinson Condominiums
c/o Nagle & Zaller, P.C.
attn: John Tsikerdanos
7226 Lee DeForest Drive, Suite 102
Columbia MD 21046

RE: **WP-22-002 Pines at Dickinson Condominium**

Dear Mr. Tsikerdanos:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Copies of the exhibit/plan, the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agencies requesting additional information are:

Division of Land Development
Development Engineering
Public Works (Environmental Services)
Soils Conservation District

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before September 20, 2021**), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

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

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

Attachments: DED, DPW (SWM), DLD, SCD

cc: Research

DED

SCD

DLD - Julia Sauer

DPW Environmental Services – Mark Richmond

DEPARTMENT OF PLANNING AND ZONING

Division of Land Development

July 22, 2021

COMMENTS

RE: WP-22-002 Pines at Dickinson Condominium

Note: This Division will defer action on this Petition until more information is provided.

1. Add the following as a general note to plan sheet 1: “This alternative compliance request to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations is for disturbance to a 100-foot stream bank buffer to replace a failing retaining wall and to perform related repairs within the buffer. The limits of disturbance is less than 5,000 SF (4,630 SF). The subject property is zoned NT (New Town) and in accordance with Section 125.0.G.3.d. of the Zoning Regulations, no Planning Board review and approval is required.”
2. Add a note to plan sheet 1 the purpose for the retaining wall replacement, the methods proposed to replace/repair the wall and how this repair will comply with the review comments provided by the Development Engineering Division and the Bureau of Environmental Services, SWM Division.
3. If available, provide MDE’s authorizations and/or permit numbers for the proposed stream impact as a note on plan sheet 1.
4. Add the following property information directly under the plan title on sheet 1, “Village of Kings Contrivance, Section 2, Area 3, Tax Map 42, Grid 14, Parcel 472”.
5. For contextual purposes, add the following as a note to plan sheet 1, “DPZ Files: FDP-178-III, SDP-82-051, Plat No. 6682”.
6. On plan sheet 2, provide the 100-foot perennial stream bank buffer on each side of the stream bank.
7. The comments provided by the Development Engineering and Bureau of Environmental Services must be addressed on the revised petition request. In addition, provide any pertinent notes to plan sheet 1 as a result of responding to those comments.
8. If necessary, revise the petitioner’s justification statement should the repair/replacement design or engineering changes as a result of the comments provided by the Engineering Division and/or Environmental Services.



ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 7/9/21 Comment Due Date: 7/23/2021

DPZ File No: WP-22-002

Pines at Dickinson

This request for comments has been distributed to the following Departments.

DPZ – Comprehensive & Community Planning	DPZ – Development Engineering Division
DPZ – Research Division	DPZ – Resource Conservation Division
Department of Fire and Rescue Services	Recreation and Parks
Department of Inspections, Licenses & Permits	Office of Transportation
DPW, Real Estate Services & Directors Office	Office of Community Sustainability
Health Department	Soil Conservation District
Public School System	State Highway Administration

COMMENTS:

The following comments are offered:

1. The applicant needs to show the impact to the 100-year floodplain from the proposed work so the County can determine whether the proposed work is approvable.
2. The plan shows a “Proposed Segmental Retaining Wall”, which is not mentioned in the application. Please provide more information about this proposed wall.
3. There is an 8” PVC pipe and it is unclear how this will be handled with the proposed work. Please clarify.
4. Provide a profile for the proposed storm drain extension including any pipe connections. Show the existing sanitary sewer crossing to confirm that there is sufficient space between the storm drain and sanitary pipes.
5. Show the existing sanitary sewer crossing on the culvert profile to confirm that there is sufficient space between the sanitary pipe and the culvert.
6. Provide backup computations and show sizing and details for riprap outfall protection.
7. Exhibit 1 shows a “100-year backfill” line. Please clarify what this is.

Thank you.

Mark S. Richmond

July 14, 2021

Print Name

Date

DEPARTMENT OF PLANNING AND ZONING
DEVELOPMENT ENGINEERING DIVISION

July 13, 2021

TO: Anthony Cataldo, Chief
Division of Land Development

FROM: Chad Edmondson, P.E., Chief 
Development Engineering Division

Project Engineer: Philip M. Thompson

RE: DP&Z File #: WP-22-002

The Pines at Dickinson

After review of the submitted information requesting an alternative compliance of the Subdivision and Land Development Regulations as follows:

Section 16.116(a)(2)(iii), stating that grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 100 feet of a perennial streambank for class III and IV streams, this Division takes **NO EXCEPTION** to the request based on the justification presented.

The decision is subject to a redline revision of SDP-82-051 as the existing retaining wall was never shown on the original plans. The existing retaining wall crosses a private sewer main in addition to holding up the dirt for the building. Not sure about the floodplain as it did not appear to be shown on the SDP, however, if the drainage area exceeds 30 acres (according to DMV I, Chapter 6) then they would need to do an existing and proposed floodplain study showing the impacts of the replacement. In addition, if there are wetlands in the channel, an MDE permit may be required for enclosing the stream and disturbance of wetlands. Full structural computations, details and sections would be required for the new wall and for the headwall and endwall for the bottomless arch culvert as all would be privately owned and maintained. They would need to provide a scour analysis and inflow and outflow stabilization computations to show that they are not adversely impacting the existing stream bottom. The outfall of the proposed culvert and end of the retaining wall should be pulled back so the existing sewer is not compromised structurally.

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Nagle & Zaller, P.C.
7226 Lee DeForest Drive
Suite 102
Columbia, MD 21046

Date: July 19, 2021

Re: Pines at Dickinson Condominium
WP-22-002

The above referenced plan has been reviewed by the Howard Soil Conservation District for compliance with sediment control, pond safety, temporary stormwater management, and sensitive area protection requirements. Results of the review are as follows:

- (X) Howard SCD approval is not required. However, the following recommendations and requests are being made to the Department of Planning & Zoning.
- () The plan is approved, subject to signatures being placed on the original(s). Any alterations to the plan shall void approval.
- () Address all comments which, due to their minor nature, may be addressed directly on the original(s) at the time of formal signature approval. There is no need to resubmit the plan.
- () Address all comments as noted below and resubmit the plan for further review.

REVIEW COMMENTS:

1. No objection to granting alternative compliance provided that:
 - a. Installation of the culvert does not negatively impact the headwater of the existing downstream culvert crossing Weather Worn Way (a 54" RCP per F-81-089) such that it becomes classified as a dam per MDE Dam Safety Policy Memorandum #2 and MD-378 Appendix B.
 - b. A redlined SDP-82-051 or a grading plan is submitted to Howard SCD for review and approval if the limit of disturbed area is greater than 5,000 square feet or the total cut/fill volume is greater than 100 cubic yards. Additional Howard SCD comments will be provided upon review of these plans. If the limit of disturbed area is less than 5,000 square feet and the total cut/fill volume is less than 100 cubic yards, the project is exempt from Howard SCD approval.
 - c. All necessary environmental permits are obtained.

Warning: All soils have limitations, ranging from slight to severe, for building homes, constructing roads and ponds, and various other uses. Please consult the *Soil Survey of Howard County* for determining soil types and their suitability for development, engineering and building.

Technical Review by:

Alexander Bratchie

Alexander Bratchie, PE



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-22-002*
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Retaining wall failure.

Subdivision Name/Property Identification: Pines at Dickinson Condominium

Location of property: 7593 Weather Worn Way

Existing Use: Residential Condominium **Proposed Use:** Residential Condominium

Tax Map: 0042 **Grid:** 0014 **Parcel No:** 0472 **Election District:** 16

Zoning District: NT - New Town **Total site area:** Site=18Ac. LOD=4,630 SF

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:

The site is between Phase III and Phase XIII of the Pines at Dickinson Condominium Columbia, Md. The failing retaining wall is supporting the Phase XIII structure on that side of the stream. This is an old timber retaining wall and due to down cut erosion in the channel next to the wall it has been undermined by the flow and created a void behind the wall placing the wall in a position for complete failure. The failure would affect the access to the end condo unit and potential structural damage. Also this failure could cause a blockage of the channel and cause potential flooding issues if during a storm event.

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
Section 16.116(a) (2) (iii) of the Subdivision and Land Development regulations	The existing timber retaining wall next to the perennial stream channel has been undermined by erosion in the channel causing an unsafe situation. Adjacent and above the wall is the condominium two-story structure the wall provides stability for. If not repaired loss of access to the condo and potential structural failure could occur. We propose to eliminate the retaining wall and permanently fix by placing a new counter sunk metal boxculvert in the channel to maintain the natural stream bottom and provide stability for the condo structure.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 5/27/2021

Signature of Petitioner Preparer: _____ Date: _____

Name of Property Owner: Pines at Dickinson Condominiums Name of Petition Preparer: _____

Address: c/o Nagle & Zaller, P.C., 7226 Lee DeForest Drive Suite 102 Address: _____

City, State, Zip: Columbia, MD 21046 City, State, Zip: _____

E-Mail: john@naglezaller.com E-Mail: _____

Phone No.: 410-740-8100 ex 129 Phone No.: _____

Contact Person: John Tsikerdanos Contact Person: _____

Owner's Authorization Attached