



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Voice/Relay

Brian Shepter, Acting Director

FAX 410-313-3467

April 18, 2023

Avinash Dewani, PE  
Howard County Dept. of Public Works  
Stormwater Management Division  
9801 Broken Land Parkway  
Columbia, MD 21046

RE: WP-23-074 Bright Passage Bridge Replacement and  
Gully Stabilization

Dear Mr. Dewani:

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 March 30, 2023 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations to disturb steep slopes for a capital project to replace a footbridge and to stabilize an eroding drainage channel. Please see the attached Final Decision Action Report for more information.

On March 28, 2023 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 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations to use the capital project design plans as a substitute for a Site Development Plan.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

**1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.**

Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan for the proposed project. This would result in an unreasonable hardship since the alternative compliance plan exhibit contains all necessary information for permitting and construction. The capital project design plans will serve as the record drawings for the project. Approval of the alternative compliance promotes efficiency of the plan review process as the alternative compliance drawings and capital project design plans include all relevant information needed for this project's minor improvements.


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

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan. No disturbance is permitted beyond the 0.64-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related capital project plans and building or grading permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a capital project plan is being actively processed.

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:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Biohabitats, Katie Talley



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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-23-074 Bright Passage Bridge Replacement and Gully Stabilization**  
*Request for an alternative compliance to Section 16.116(b)(1) of the Subdivision and Land Development Regulations.*

**Applicant:** Avinash Dewani, PE  
Howard County Dept. of Public Works  
Stormwater Management Division  
9801 Broken Land Parkway  
Columbia, MD 21046

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning and the Administrator of the Office of Community Sustainability (Dept. of Public Works recused) considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations. The purpose is to disturb steep slopes for a capital project to replace an existing footbridge and to stabilize an eroding drainage channel. The Directors deliberated the application in a meeting on March 30, 2023.

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.**

Strict conformance with the requirements would result in further channel erosion which will impact County property and allow additional sedimentation within the 100-year floodplain. Completion of this project will protect adjacent properties, County infrastructure and prevent continued sedimentation into the Middle Patuxent River. The area will remain as wooded open space once the project is completed. The steep slopes adjacent to the channel will be temporarily impacted for construction of the project. Strict conformance with the regulations would not allow the project to proceed.

**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 ephemeral channel is contained within a confined steep valley and the proposed restoration will eliminate further erosion of the channel. In order to repair the current condition, impacts to the adjacent steep slopes are

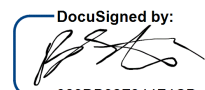
required. Upon completion of the work, all impacted areas will be restored to a more stable condition. The project proposes to re-plant all existing forested areas with native trees and shrubs in accordance with the capital project design plans.

- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**  
Repair of an eroding drainage channel to protect public property and infrastructure would not be considered a special privilege.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**  
The project goals are to improve site conditions and to prevent continued erosion and sedimentation into the Middle Patuxent River. The proposed project will protect public property and infrastructure and will stabilize an eroding drainage channel. The steep slopes will be stabilized with native vegetation to reduce future erosion.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**  
The project will result in temporary impacts to the steep slopes for site access, staging, construction of the drainage improvements and reconstruction of the pedestrian bridge. The disturbed area will be replanted with native seed, shrubs and trees after construction is complete. Approximately 75 trees and 200 shrubs will be planted within the project limits once construction is complete.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**  
The project aims to improve water quality by eliminating a source of excess sediment and nutrients which are currently entering the waterway from the eroding drainage channel. During construction, perimeter controls such as filter logs and silt fences will be utilized. Pump-around practices and filter bags will be used to ensure clean water is being diverted around the active construction area and any dirty water is filtered before leaving the construction area. The trees and shrubs to be planted after construction will provide stabilization of the steep slopes.
- 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 limit of disturbance has been minimized to only the area necessary for construction of the project. Impacts to existing vegetation were minimized while still accommodating the required area for drainage improvements. All existing forested areas outside of the project area will remain undisturbed and the disturbed area will be replanted with native trees and shrubs after construction is complete.

**Directors Action:** Approval of alternative compliance of Section 16.116(b)(1) is subject to the following conditions:

1. All disturbed areas within the steep slopes shall be stabilized and seeded or planted with native vegetation after construction is complete, in accordance with the alternative compliance plan exhibits.
2. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.

DocuSigned by:

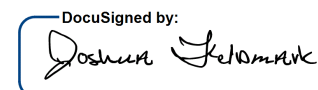


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Brian Shepter, Acting Director  
Department of Planning and Zoning

DocuSigned by:



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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
OCS, Joshua Feldmark  
Biohabitats, Katie Talley



## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** Bright Passage Emergency Bridge Replacement And Gully Stabilization

**Subdivision Name/Property Identification:** Bright Passage

**Location of property:** 11860 BRIGHT PASSAGE, COLUMBIA, MD 21044

**Existing Use:** Parks & Open Space

**Proposed Use:** Parks & Open Space

**Tax Map:** 35

**Grid:**

**Parcel No:** 412

**Election District:** 15

**Zoning District:** NT

**Total site area:** 0.64 AC

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

This County Capital Project D-1176 has no subdivision plans or Board of Appeals petitions currently open. This is the first submittal for an alternative compliance. This project is located on a single County owned lot and looks to replace a pedestrian bridge, stabilize the adjacent storm drain outfall and corresponding eroding ephemeral stream bed and banks. While the nature of this project requires unavoidable and necessary disturbances to the steep slopes and existing forest, the shown limits of disturbance were developed to reduce these impacts as best as possible while meeting the intent of the project goals.

**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
16.116(b)	Necessary disturbance of steep slopes to stabilize existing ephemeral stream bed and banks from further erosion and subsequent loss of sediment and nutrients downstream.
16.155(a)(1)(i)	Capital Improvement Design Plan to serve in lieu of Site Development Plan

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Avinash Dewani* Date: 02/09/2023

Signature of Petitioner Preparer: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Property Owner: Howard County DPW Stormwater Management Division Name of Petition Preparer: \_\_\_\_\_

Address: 9801 Broken Land Parkway Address: \_\_\_\_\_

City, State, Zip: Columbia, MD 21406 City, State, Zip: \_\_\_\_\_

E-Mail: adewani@howardcountymd.gov E-Mail: \_\_\_\_\_

Phone No.: 410-313-6417 Phone No.: \_\_\_\_\_

Contact Person: Avinash Dewani Contact Person: \_\_\_\_\_

Owner's Authorization Attached