



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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August 19, 2011

Mr. & Mrs. Raymond D. Jordan
4929 Canvasback Drive
Columbia, MD 21045

RE: Jordan Overlook Lots 1-10 & Open Space Lot 11
A resubdivision of Parcel 309 & Dalton Section 4B Lot 61A
WP-12-005 (F-11-041)

Dear Mr. & Mrs. Jordan:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.134.(a).(1).(i)** - Requiring Sidewalks and Walkways in accordance with the Subdivision Regulations and the Design Manual; **Section 16.135.(a)** - Requiring construction of street lighting in accordance with the Design Manual and in locations approved by DPZ; and, **Section 16.136** - Requiring the developer to provide street trees in accordance with Section 16.124 and the Landscape Manual.

Approval is subject to the following conditions:

1. This waiver applies only to the improvements which are required along the Canvasback Drive frontage of Lot 1 and adjacent Lot 231.
2. Compliance with the attached comments from the Development Engineering Division, dated July 26, 2011, prior to submission of the original mylar record plat to this office for signature approval and recordation. The developer is required to pay a fee-in-lieu of construction for the cost of the Canvasback Drive road frontage improvements along Lot 1 and adjacent Lot 231.
3. This office approves the request to waive street lighting for the Canvasback Drive road frontage improvements along Lot 1 and adjacent Lot 231. The proposed street light at the entrance of Jordan River Road (approx. Station 0 + 40.23) is required, as shown on F-11-041.
4. This office approves the request to waive street trees for the Canvasback Drive road frontage improvement along adjacent Lot 231 only. Street trees are required along the frontage of Lot 1 as proposed on F-11-041.
5. Compliance with all other conditions of approval of F-11-041 will be required.

Our decision was made based on the following:

- Summary of the extraordinary hardship or practical difficulty resulting from strict compliance with the regulations:

Strict compliance with the regulations would require that road improvements be made along the Canvasback Drive frontage of Lot 1 and along the side frontage of adjacent Lot 231. The owners of the proposed development have made a commitment to that community to preserve, as much as

possible, the essential quiet character of the adjacent neighborhoods. Construction of sidewalk along adjacent Lot 231 would provide a connection to the existing sidewalk along Mellenbrook Road; however, there are several large and mature trees that would have to be removed for sidewalk construction. The removal of these trees would negatively impact the character of the forty year old Dalton neighborhood which has existed without sidewalks for many years. As mentioned above, the access to the site was relocated to save some of those mature trees, so the installation of a sidewalk would defeat the purpose of the access relocation effort. The plan shows a short segment of existing sidewalk on Canvasback Drive directly across the street which extends to the intersection with Mellenbrook Road and to the sidewalk along Mellenbrook Road. According to the Pedestrian Master Plan, there are no plans to construct sidewalks in the Dalton Community. All of Canvasback Drive has mountable curb and replacing a portion of it with the standard curb and gutter that would be required for installation of a sidewalk would be inconsistent with the existing character of the roadway and the Dalton Community.


- The intent of the regulations will be served through the implementation of the alternative proposal which will not nullify the intent of the Regulations and will not be detrimental to the public interests:

Approval of this waiver will not be detrimental to the public interests because this new development will be surrounded by existing developments where there are no sidewalks and there are no plans for their installation. If required, the installation of sidewalks would alter the essential character of the neighborhood which the community is trying to preserve. The intent of the regulations will be served through Development Engineering Division's alternative proposal for the owner to fee-in-lieu for the cost of the Canvasback Drive frontage improvements. This alternative proposal will not be detrimental to the public interest and it will allow the development of a parcel surrounded by existing homes to proceed with the least amount of impact on the surrounding communities. The proposed plans require the owner to install one(1) street light at the Jordan River Road intersection for public safety purposes. Under the final plan, F-11-041, four(4) street trees will be provided along the Canvasback Drive frontage of Lot 1. Approval of this waiver will preserve the existing mature trees along the Canvasback Drive frontage of Lot 231. This alternative plan will conform to the current streetscape of the surrounding communities.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

cc: Research
Development Engineering Division
Fisher, Collins & Carter, Inc.
Land Design & Development
DPZ File # F-11-041