



O'Neill Properties Development - Conestoga Road and Route 320

Site size: 1.09 acres

Proposal:

- Demolish current single-family residential dwelling and the auto garage on the site. Build a 4 story building
- 20 Residential Units (the original proposal for 24 units was reduced to 20 as announced at a February 5, 2007 Planning Commission Meeting.)
- Height 35 feet
- Depth 70 feet
- Length 224 feet
- 2 parking spaces per unit.
- Building to be elevated above the ground level parking

Building is claiming hardship and wants a variance in 4 areas:

Use Variance –

The property is currently zoned C-1 Commercial.

The developer is requesting a variance from Section 280-47 of the Zoning Code which limits them to development of the kinds of commercial structures listed.

The entire property is located in the floodplain and floodway. The developer complains that under the properties current use designation all development must be elevated out of the floodway but that the design and construction costs of complying with this requirement is too costly. Therefore they contend that they require a use variance.

Front yard Setback –

The developer is requesting a variance from the setback requirements contained in section 280-48(c) of the zoning code which requires a 20 foot set back from the road.

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Riparian Buffer –

The developer is requesting a variance from section 280-48(H) of the zoning code which requires a 35 foot riparian set back from the creeks along the property.

Floodplain and Floodway –

According to the Zoning Hearing Board application the entire property is located in the floodplain and the floodway, according to developer presentations a portion of the property is in fact located outside of the floodplain. In either case, the developer is seeking a variance from Article XVII of the Zoning Code – the Floodplain Conservation District. The purposes of the floodplain protections in this section of the Zoning Code are to: prevent construction of structures in areas unfit for development because of periodic flooding; to protect public health by preventing pollution of water supplies and to protect absorption and retention of runoff for maintenance of water supplies; to protect public safety by preserving natural floodplains and valleys in order to prevent the increase in flood volume, the increase on the rate of flow, and to provide areas for sediment deposition; to prevent downstream flood damages caused by increased volume and rate of flow and to preserve the floodplain and stream natural conditions and stream flow; and to minimize the financial burdens placed on the community and individuals as the result of floods.

Property was purchased in 2005.

All of the zoning requirements that the developer is currently seeking a variance from were in force and effect when the property was purchased.

Site Boundaries and Natural Features

Property is bounded by Ithan Creek to the north, a residential property to the west, a tributary to Ithan Creek to the east, and Conestoga road to the south.

Runoff from the property is expected to drain to Ithan Creek on the north and the east.

According to the zoning hearing board application there are no wetlands on the site. There is a wetland swale located approximately 30 feet from the property boundary opposite the site and on the north side of Ithan Creek.