

Lower Gwynedd Township Zoning Hearing Board

Application of Whitefield Homes, LLC

ADDENDUM TO ZONING HEARING BOARD APPLICATION

Whitefield Homes, LLC is the owner of the property located at 1348 Sumneytown Pike, Ambler, Lower Gwynedd Township, PA (the “Property”). The Property is more specifically identified as PARID 39-00-04054-00-2.

The Property consists of approximately 15.71 acres and is improved with a historic resource, being a single-family home farmhouse. The property is also improved with contemporary accessory structures, such as a shed and barn, and other related improvements. The Property is located in the A – Residential Zoning District pursuant to the Township Zoning Map. Applicant proposes to retain the historic farmhouse and redevelop the Property with a ten (10) lot residential subdivision (nine (9) new building lots, one (1) existing lot, being the historic single-family home).

In order to redevelop the Property as proposed, Applicant requests the following two (2) variances from the Lower Gwynedd Township Zoning Ordinance:

1. Section 1298.12 – to permit application of the 75-foot front yard setback pursuant to the A – Residential Zoning District in lieu of the requirement in this section to apply a double-setback of 150 feet as Sumneytown Pike is defined as a “highway”, with respect to Lots 4 and 5; and
2. Section 1298.17(c) – to permit a portion of wetlands to be mitigated offsite, where onsite wetland mitigation is required.

As will be presented, the minimum site area in the A – Residential Zoning District for a single-family residential use is 40,000 SF. Lots 4 and 5 are proposed to be over 40,000 SF. If requiring a 150-foot setback off Sumneytown Pike, there would be no compliant building envelope for the otherwise compliant lots. The same would be true for any complaint 40,000 SF lot off Sumneytown Pike. Therefore, the Zoning Ordinance contradicts itself, requiring the variance. Furthermore, there are unique features of the Property concerning existing wetlands, the existing historical structure, and topography of the Property whereby requiring the 150-foot setback would encroach further into the Property towards wetland areas, and towards the historical structure. The topography of the Property shows that Lots 4 and 5 are two of the most suitable and desirable to improve for single-family homes. Additionally, though Lots 4 and 5 have frontage on Sumneytown Pike and therefore are technically considered front yards, they are not proposed to take access off Sumneytown Pike. Therefore, they are effectively back yards, not front yards. The purpose behind the double-setback requirement is primarily for safety and if the Township wanted to widen the road, add sidewalk, utilities, or other public improvements. However, the two (2) adjacent properties on each side of the Property on Sumneytown are already improved with single-family homes with 75-foot setbacks. Therefore, the purpose of the double-setback as it applies to Lots 4 and 5 are frustrated and nullified.

Section 1298.17(c) specifically requires, in pertinent part:

Any wetlands...permitted to be filled or otherwise destroyed by conditional use shall be replaced elsewhere on the site, *in accordance with the applicable requirements of the Pennsylvania Department of Environmental Protection....* (Emphasis added).

It appears this Section 1298.17(c) was adopted prior to (and has yet to be amended pursuant to) updated requirements of the Pennsylvania Department of Environmental Protection (PADEP) which specifically permit wetland mitigation/replacement to be offsite. Applicant proposes that a portion of the wetlands that are proposed to be disturbed be mitigated/replaced offsite in accordance with PADEP regulations, as referenced in this section. Furthermore, there are conditions of the Property and proposed project that require this requested relief.

At the time of the hearing, Applicant will demonstrate that the variances, if granted, will not have any adverse impact on neighboring properties or public health and safety. As will be further demonstrated, the variances will not alter the essential character of the neighborhood nor be detrimental to the community.

