

Docket No. 21-ZONEPA-0129; 3608 College Drive; General Waiver Justification:

Applicant requests a waiver of: Section 5.3.1.D.b. to allow more than 5 contiguous units for the following reasons:

1. The waiver will not adversely affect adjacent property owners because this development will be separate from the surrounding properties with adequate open space and buffering . As a result, from the neighboring properties it will not be evident whether there are 4 attached contiguous units as allowed, or whether there are 6 units as proposed (Lots 13-18) because they do not face the front of the development but rather are oriented to face parallel with College Drive as shown on the development plan Moreover, this waiver will allow the area to increase its supply of diverse residential homes, satisfying the need for multi-generational housing which facilitates ageing in place.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver request will allow the creation of the open space and buffering as shown on the development plan while still making the project financially feasible. This waiver will permit only one unit out the eighteen as proposed. If this were proposed instead as a rezoning to a zoning district allowing multifamily for a condominium regime no waiver would be necessary. In this case having the proposal as a PRD subdivision where the owners own their lot and home rather than the interior enclosed space, creates the waiver requirement.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would not allow a layout providing the connectivity and buffering demonstrated on the current plan trading same for the removal of the last unit in certain buildings to keep same under 5 units.