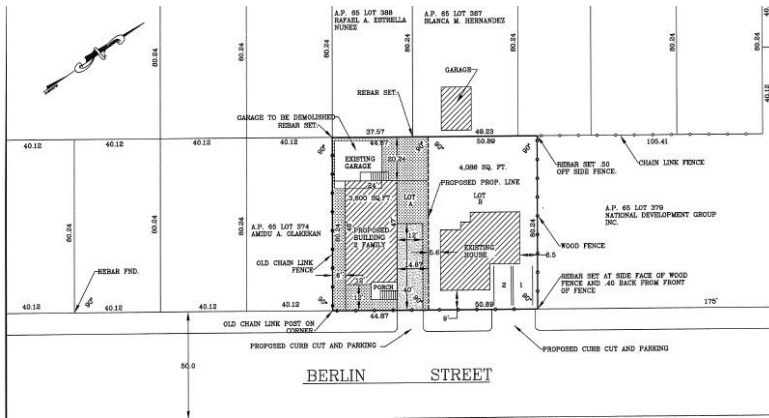


Providence City Plan Commission

October 20, 2020



AGENDA ITEM 9 ■ 36 BERLIN STREET



Proposed subdivision



Aerial view of the site

OWNER/APPLICANT: Kyltiff Investments and Consultants LLC

PROJECT DESCRIPTION:

Subdivision of a lot measuring 7,671 SF into two lots measuring approximately 4,086 SF and 3,600 SF with widths of 50'8" and 44'8" respectively. The existing single family dwelling will be located on the larger lot and a two family dwelling is proposed on the latter. The minimum lot size for new subdivisions in the R-3 zone is 5,000 SF with a width of 50 feet. Pursuant to Unified Development Review, the applicant is seeking dimensional variances from provisions related to minimum lot area, minimum lot width, side yard setback, front yard setback, driveway width and impervious surface coverage.

CASE NO./PROJECT TYPE: 20-030 UDR—Unified Development Review

PROJECT LOCATION: 36 Berlin Street
AP 65 Lot 376; R-3

RECOMMENDATION:

Approval of variances for lot area, width and side yard setback; denial of other variances; approval of subdivision with reduced zoning relief.

NEIGHBORHOOD: Valley

PROJECT PLANNER:

Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject property is occupied by a single family dwelling and measures approximately 7,686 SF. The applicant is proposing to subdivide the lot into two lots of 4,086 SF (Lot A) and 3,600 SF (Lot B) with respective widths of 50.89' and 44.87'. A two family dwelling is proposed on Lot B and the existing single family dwelling will remain on Lot A. The minimum required lot size for new subdivisions in the R-3 zone is 5,000 SF with a width of 50 feet. Pursuant to Unified Development Review (UDR), the applicant is seeking dimensional variances from provisions related to minimum lot area and minimum lot width in table 4-1 of the ordinance. A variance from the side yard setback requirement is requested where a side yard setback of 6' is required but 5.6' will be provided between the proposed lot line and the existing house. In addition, the applicant is seeking relief from the total maximum impervious surface coverage requirement, front yard maximum impervious surface requirement, front yard setback, and maximum driveway width.

Findings—Dimensional Variance

Section 1902 of the zoning ordinance requires that the CPC find evidence of the following standards in order to grant a variance:

1. *That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in Rhode Island General Laws §45-24-30 (16).*

Based on plans provided, it appears that some of the requested relief is necessary due to the unique characteristics of the subject property, which is larger than other lots in the vicinity, particularly for a single family dwelling. Per the zoning map, the area around the lot is composed of a mix of housing, with a majority of lots measuring approximately 3,200 SF. The future land use map of the comprehensive plan identifies this area as one intended for medium density residential development, characterized by one to three family dwellings on lots that measure between 3,200 to 5,000 SF. It appears that the lot's existing size creates a hardship which does not allow for the lot to be developed in conformance with the neighborhood's character based on surrounding property. The request for slight relief from the side yard setback of the existing dwelling can also be attributed to the lot's unique character as the lot cannot be subdivided and provide the required 50' lot width without a variance.

The single-family house on a lot in the R-3 zone is also a unique characteristic that contributes to a hardship. There is sufficient land for three units, but it would be impractical to convert the house to a three-family house.

Relief from curb cut width and the amount of front yard impervious surface coverage is being requested because parking for the existing house is proposed in the front yard for two vehicles. Relief from the front yard setback is also requested, but there is no apparent reason for why the applicant can't meet this requirement. These requests cannot be attributed to the character of the property as it is possible for the applicant to bring the site into closer compliance with the ordinance by reducing the magnitude of relief requested.

2. *That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.*

As discussed, the hardship suffered by the applicant appears to be partially due to the unique character of the lot, which is larger than others in the vicinity. The proposed subdivision would result in two lots that would allow for construction of a two family dwelling on the new lot. The development will result in three dwelling units on 7,686 SF, which is less dense than the R-3 zone's minimum requirement of 5,000 SF of lot area for three dwelling units.

Based on plans provided, the relief requested does not appear to be primarily for financial gain but intended to develop the site in a manner that reflects the development pattern of the future land use map of the comprehensive plan and the R-3 zone. As previously discussed, some aspects of the relief like provision of parking in the front yard, excess paving and curb cut width appear to be related to the applicant's intention to have

additional parking space in front of the existing dwelling, and not necessarily a hardship.

3. *That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan.*

According to the future land use map of the comprehensive plan, the neighborhood is intended for medium density residential development characterized by one to three family dwellings on lots that measure between 3,200 to 5,000 SF. The neighborhood reflects this description as it is composed of a mix of housing types on lots of varying size and street frontage. The proposed development would be similar to what exists in the neighborhood. A negative effect on neighborhood character is not expected as the subdivision would result in lots that conform to this land use description. The lot area and width of the new lots would be less than what is prescribed by the ordinance for newly created lots, but would conform to the neighborhood's character. The DPD is concerned that there are some aspects of the request for relief like additional driveway width and excess impervious surface in the front yard that could negatively affect the neighborhood's character. It is unclear if relief from the front yard setback is required, but it is possible that a house that does not meet the front setback requirement could alter the neighborhood's character. These choices would be out of the norm for the neighborhood, and could have a negative effect on the character of the surroundings.

4. *That the relief to be granted is the least relief necessary.*

The relief requested is the least relief necessary to create separate lots to maintain a single family dwelling with a setback of 5'6" and create a lot for development of a two family dwelling with a width of 44.8'. The relief requested for curb cut width, front yard setback, and paving in the front yard is not the least relief necessary. Only one parking space, and therefore less paving and a narrower driveway is required for the existing single family dwelling. The relief for these items is not the least necessary as the applicant could reduce the magnitude of relief requested to bring the site into closer conformance with the plan. The applicant will conform to all the other zoning requirements.

5. *In addition, the City Plan Commission, as part of unified development review, requires that evidence be entered into the record of the proceedings showing that In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience.*

The purpose of the subdivision is to create two lots for construction of a two family dwelling and to maintain the existing single family dwelling. Given the character of the surrounding neighborhood, denial of the requested relief would prevent the lot from being developed based on the comprehensive plan and the neighborhood's character. There are some aspects of the application that support zoning relief, but it is the DPD's opinion that some requests like those for excess paving and driveway width do not meet the criteria for a variance. The hardship would amount to more than a mere inconvenience only if the applicant were to make changes to the plan to reduce the magnitude of relief requested and bring it into closer conformance with the ordinance.

RECOMMENDATION—Dimensional Variance

Based on the foregoing discussion, the DPD recommends that the CPC approve the variances from the minimum lot size, minimum lot width and side yard setback requirements, finding that they can be supported based on the criteria for granting a variance.

The other requested variances for front yard paving, driveway width and front yard setback should be denied, finding that they do not meet the criteria for a variance.

FINDINGS—Minor Subdivision

Section 806 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings a part of their approval of all subdivision applications. Based on the analysis contained herein and subject to the conditions contained in this report, staff has prepared the following findings regarding the request for approval of the Preliminary Plan:

1. *Consistency—The proposed development is consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.*

The subject property is located in an area that the future land use map of Providence Tomorrow has designated for medium density residential development. These areas are intended for residential uses characterized by one to three family dwellings in detached structures on separate lots ranging between 3,200 to 5,000 SF. The lots created through the subdivision would be similar to the type of development envisioned by the plan and would be in character with the surrounding neighborhood. Creation of new lots would allow for construction of a two family dwelling on the new lot, which is in conformance with the land use pattern envisioned by the plan. The subdivision will comply with the ordinance based on compliance of some of the requests for relief with the zoning ordinance.

2. *Compliance with Zoning Ordinance—The proposed development is in compliance with the standards and provisions of the Zoning Ordinance.*

Based on the foregoing analysis, the DPD finds that the requests for relief from minimum lot size, lot width and side yard setback may be granted based on conformance with variance criteria. As discussed, the application does not support the requests for relief from the front yard setback requirement, front yard paving and an expanded curb cut. As the DPD recommends denial of these requests, the CPC should find that the plan is in compliance with the zoning ordinance based on granting the requests for relief that conform to the variance criteria.

3. *Environmental Impact—There will be no significant environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.*

It does not appear that the subdivision will pose a significant negative environmental impact as the applicant is required to comply with applicable environmental regulations when developing the lots.

4. *Buildable Lot—The subdivision or development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.*

The subdivision is not expected to pose any constraints to development because the subdivision will allow for development of a two family dwelling and maintain the existing single family dwelling. The site presents no other impediments to development.

5. *Street Access—All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

Each building will be accessible to vehicles and pedestrians from Berlin Street.

RECOMMENDATION—Minor Subdivision

Based on the analysis and findings contained in this report, the CPC should approve the subdivision having granted relief for minimum lot size, minimum lot width and side yard setback. The requests for relief from the front yard setback requirement, front yard paving and maximum driveway width should be denied. The CPC should grant preliminary plan approval to a plan that conforms to the ordinance based on the relief granted and subject to the following conditions:

1. Final plan approval should be delegated to DPD staff.
2. The validity of the approval shall be extended to one year from the date of recording of the approval letter.

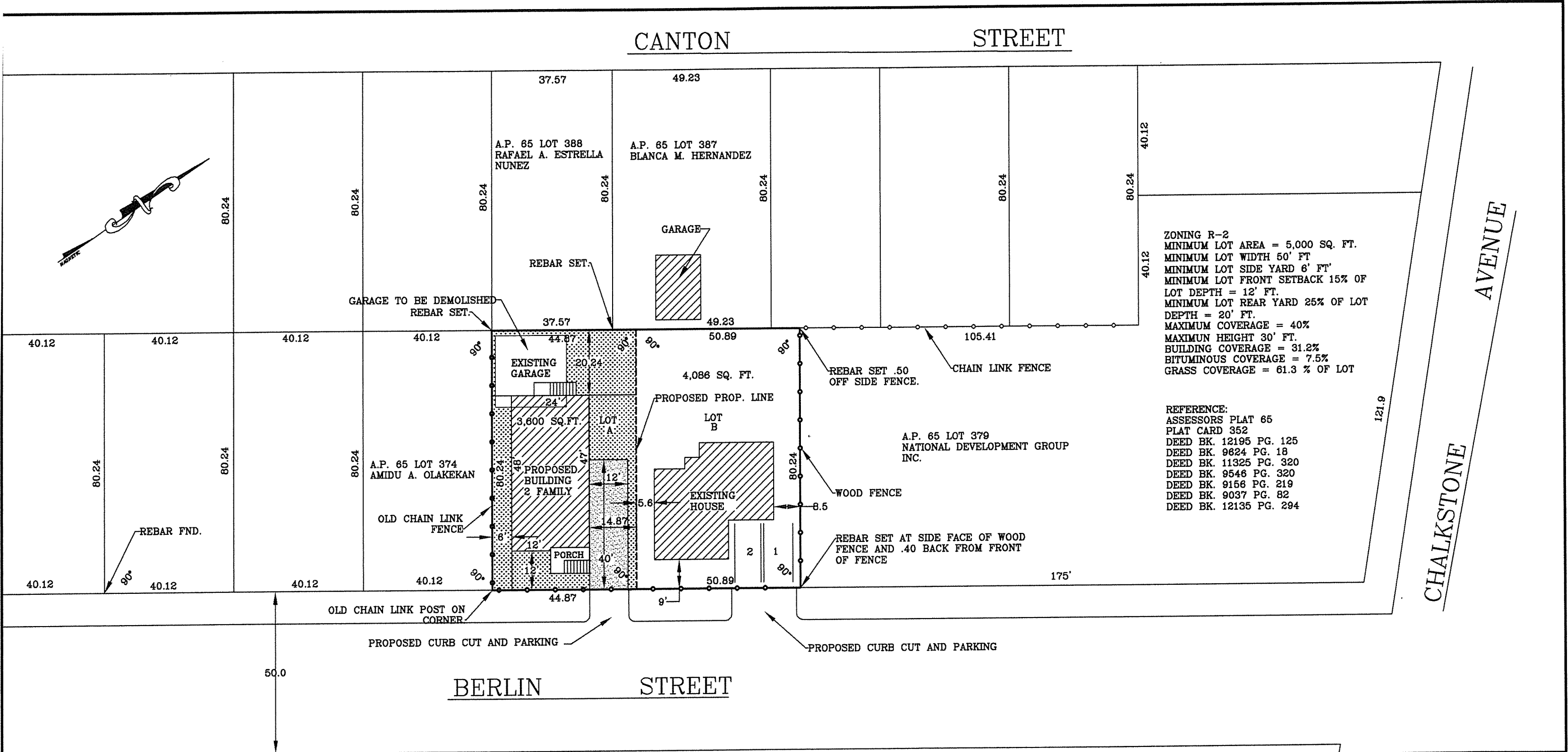
R-3 ZONING DISTRICT DIMENSIONAL STANDARDS

36 Berlin Street, Providence, Rhode Island

City Plan Commission – Unified Development Hearing - October 20, 2020

<u>Bulk Standard</u>	<u>Requirement</u>	<u>Lot A</u>	<u>Lot B</u>
<u>Minimum Lot Area</u> <ul style="list-style-type: none">• Single Family• Two Family	5000 5000	3600 sq. ft*	4086 sq. ft.*
<u>Minimum Lot Width</u>	50 ft.	44.87 ft.*	50.89ft
<u>Minimum Building Height</u>	45' – not to exceed 3 stories	< 45	<45
<u>Maximum Building Coverage</u>	45%	34.11%	33.11%
<u>Maximum Impervious Surface Coverage – Front Yard</u>	33%	27.67%	35.37%*
<u>Maximum Impervious Surface Coverage – Rear Yard</u>	50%	0%	0%
<u>Total Impervious Surface Coverage</u>	65%	47.44%	37.9%
<u>Front Setback Zone</u>	Section 402B-- 6.5ft. (+or -5 ft).	12 ft *	9ft
<u>Minimum Interior Side Setback</u>	6 ft.	(i) 14.87ft. (ii) 6ft.	(i) 5.6* (ii) 8.5
<u>Maximum Driveway Width</u> (Section 1407A.1.a)	12 ft	12 ft	18ft.*
<u>Minimum Rear Setback</u>	25% of lot depth or 25', whichever is less= 20.06	20.24ft.	>40 ft

*Relief needed



THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON JANUARY 1, 2018, AS FOLLOWS:

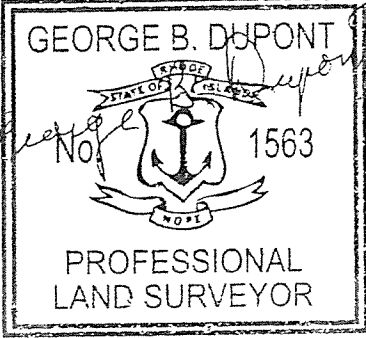
TYPE OF BOUNDARY SURVEY LIMITED CONTENT BOUNDARY SURVEY MEASUREMENT SPECIFICATION 1

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS TO ESTABLISH THE PERIMETER OF THE BOUNDARY

George B. Dupont

3/7/20

GEORGE B. DUPONT P.L.S. #1563 1050 MAIN STREET, EAST GREENWICH R.I. 02818 (401) 206-1275



GEORGE B. DUPONT P.L.S.					
MINOR SUBDIVISION					
SURVEY AND PLOT PLAN					
DRAWN BY STEPHEN WILDENHAIN		APPROVED BY	APPROVED DATE	DATE 3/7/20	SCALE 1' = 30'-0"
36 BERLIN STREET PROVIDENCE, RI ASSESSORS PLAT 65 LOT 376		OWNER VINCENT MANN		EDITION 1	SHEET 1 OF 1