

# Providence City Plan Commission

December 15, 2020



## AGENDA ITEM 3 ■ 153 CARPENTER STREET



Aerial view of the site

Proposed subdivision

**OWNER/APPLICANT:** Kathryn McClure, Seth Clark

**PROJECT DESCRIPTION:** Subdivision of a lot measuring 5,316 SF into two lots of 3,979 SF and 1,337 SF with widths of 53.21' and 30.79' respectively. The existing single family dwelling will be located on the larger lot with the smaller lot proposed for a parking lot. 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 and rear yard setbacks, maximum impervious surface coverage, landscaping, and the canopy coverage requirements. A special use permit is requested for the parking lot.

**CASE NO./PROJECT TYPE:** 20-040 UDR—Unified Development Review

Minor subdivision with special use permit and dimensional variances

**PROJECT LOCATION:** 153 Carpenter Street  
AP 28 Lot 957; R-3 zone

**RECOMMENDATION:** Approval of dimensional variances and special use permit.

**NEIGHBORHOOD:** Federal Hill

**PROJECT PLANNER:** Choyon Manjrekar

## OVERVIEW

The subject property is occupied by a single family dwelling and measures approximately 5,316 SF. The applicant is proposing to subdivide the lot into two lots of 3,979 SF and 1,337 SF with widths of 53.21' and 30.79' respectively. The single family dwelling will remain on the larger lot, and a six space parking lot is proposed for the smaller lot, which requires a special use permit. 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. Relief from the side and rear yard setback requirements are also requested based on the proposed lot line. A rear yard setback of 10' is required but approximately 5' will be provided. A side yard setback requirement of at least 6' is required but approximately 3' will be provided. In addition, the applicant is seeking relief from the total maximum impervious surface coverage, landscaping for parking lots, canopy coverage requirement 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 the requested relief is necessary due to the unique characteristics of the subject property. The applicant has submitted a use card from the Department of Inspection and Standards indicating that the legal use of the site has been a parking lot since 1957. The single family dwelling was built in 1972, after the use of the parking lot was established. It is conceivable that the presence of the parking lot affects the use and enjoyment of the dwelling, resulting in a hardship. The subdivision would allow use of the parking lot to continue, and exist separately from the residence. The area available to situate the existing dwelling on a separate lot requires placement of the lot line in a location that triggers the need for relief. Based on the lot's configuration, it is not possible to subdivide the property without relief from impervious surface coverage, setback, and landscaping requirements due to the size and layout of the property. The lot's dimensions will not allow for installation of a planting strip required for parking lots or the appropriate amount of canopy coverage. The need for relief is related to the size and dimensions of the lot, as well as use of the property, which collectively contribute to the applicant's hardship.

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.*

Based on provided documentation, the use of the site as a parking lot, and its dimensions, are not the results of the applicant's actions. It does not appear that the use of the parking lot will be intensified beyond what it can accommodate. Therefore, the request for relief does not appear to be for financial gain.

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.*

The use of the parking lot has existed since 1957. The nature of the parking lot and the dwelling is not expected to change upon subdivision. An effect on the character of the surrounding area is not expected as the use on each lot will remain the same. It is the DPD's opinion that the applicant can take some steps to enhance the character of the surrounding area. As landscaping on the lots is not possible, the applicant should make an equivalent amount of offsite plantings under the supervision of the City Forester which would improve the

character of the immediate surroundings.

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

Based on the foregoing discussion, the relief granted would be the least necessary to allow for a subdivision to separate the uses on both lots.

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 operation of a parking lot, and to maintain the existing single family dwelling. Denial of the requested relief would result in both uses being situated on the same lot. This would result in more than a mere inconvenience as the uses are not harmonious with each other. It is possible that without subdivision, future conveyance of the property could also be affected. It is the DPD's opinion that these conditions amount to a hardship.

**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, rear and side yard setback requirements, maximum impervious surface coverage, canopy coverage and landscaping, finding that they can be supported based on the criteria for granting a variance. The relief should be granted subject to the following condition:

The applicant shall make offsite plantings, equivalent to the amount of required site landscaping, under the supervision of the City Forester.

**SPECIAL USE PERMIT**

The applicant is requesting a Special Use Permit for operation of a principal use parking lot.

**Findings – Special Use Permit**

To authorize a special use permit, the City Plan Commission, as part of unified development review, shall make specific findings of fact which demonstrate that:

1. *The proposed special use permit is set forth specifically in this Ordinance and complies with any conditions set forth therein for the authorization of such special use permit, including those listed in Article 12.*

The zoning ordinance permits principal use parking lots to operate in residential zones with a special use permit.

2. *Granting the proposed special use permit will not substantially injure the use and enjoyment of nor significantly devalue neighboring property.*

The site has been designated as a parking lot for a number of years. The subdivision is not expected to change the use or intensity of the lot. Per the applicant, the parking lot will be used by residents of the building at 135 Carpenter Street. The applicant should file a lien to designate the spaces for the use of the proximate building. This would ensure orderly parking and limit the effects of the lot on neighboring property.

3. *Granting the proposed special use permit will not be detrimental or injurious to the general health or welfare of the community.*

As the lot has existed as part of the neighborhood, and the use and intensity of the existing parking lot is not expected to change, a negative effect on neighborhood character is not expected.

**Recommendation**

Based on the foregoing discussion, the CPC should approve the special use permit subject to the following condition: The applicant shall file a lien on the spaces in the parking lot for use by the building at 135 Carpenter Street.

using them.

## **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 separation of the uses with a single family dwelling on one lot and parking lot on the other.

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 may be granted based on conformance with variance and special use permit criteria. The subdivision will be in conformance with the ordinance should the CPC grant the requested relief.

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.

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 it will allow for separation of the parking lot and single family dwelling which are the existing uses on site. 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.*

Both lots will be accessible from Carpenter Street.

**RECOMMENDATION—Minor Subdivision**

Based on the analysis and findings contained in this report, the CPC should approve the subdivision subject to granting the requested relief. The CPC should grant preliminary plan approval 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.

| A.P. 28 / LOT / PARCEL | OLD AREA   | NEW AREA   |
|------------------------|------------|------------|
| LOT 957                | 5,316 S.F. | 0          |
| PARCEL - A             | 0          | 1,337 S.F. |
| PARCEL - B             | 0          | 3,979 S.F. |

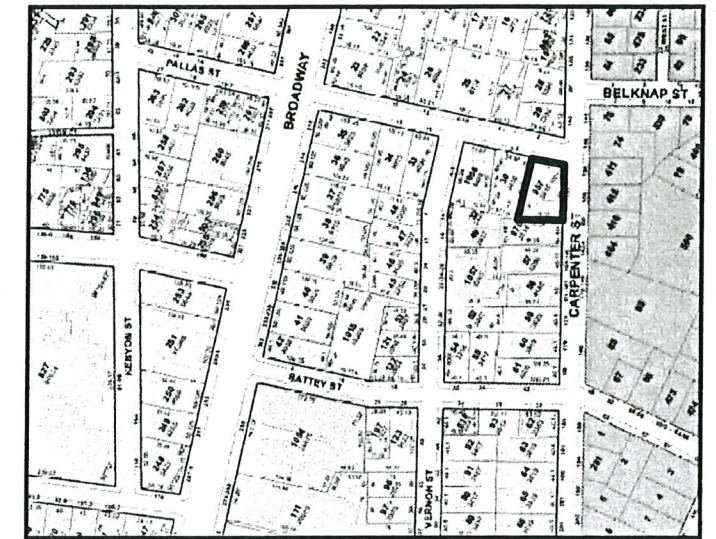
**REFERENCE:**

DEED BK. 12332 / PG. 117

**NOTE:**

FEMA MAP 44007C0308J / 10/02/2015 / ZONE X.

RICHARD T. BZDYRA  
 No. 1786  
 PROFESSIONAL  
 LAND SURVEYOR



LOCUS MAP

**ZONING DISTRICT R-3**

MINIMUM LOT AREA NONE  
 MINIMUM LOT FRONTAGE NONE  
 MINIMUM SETBACKS: FRONT AVERAGE ALIGNMENT / FOOTNOTE 402.B  
 SIDE LOT WIDTH OVER 40' : 6' MINIMUM PER SIDE  
 REAR 25% OF LOT DEPTH OR 25' WHICHEVER IS LESS

TOTAL MAXIMUM IMPERVIOUS SURFACE COVERAGE: 65%  
 MAXIMUM IMPERVIOUS SURFACE COVERAGE REAR YARD: 50%  
 ARTICLE 15: TREE CANOPY COVERAGE 30%  
 MINIMUM CORNER SIDE SETBACK: SAME AS FRONT SETBACK  
 ARTICLE 15-1 TREE CANOPY COVERAGE 30%

**MINOR SUBDIVISION**

PRELIMINARY  
 MADOFF PLAT

A.P. 28 / LOT 957  
 153 CARPENTER STREET  
 PROVIDENCE, R.I. 02903

SCALE: 1"=20' DATE: MARCH 13, 2020

PREPARED FOR:

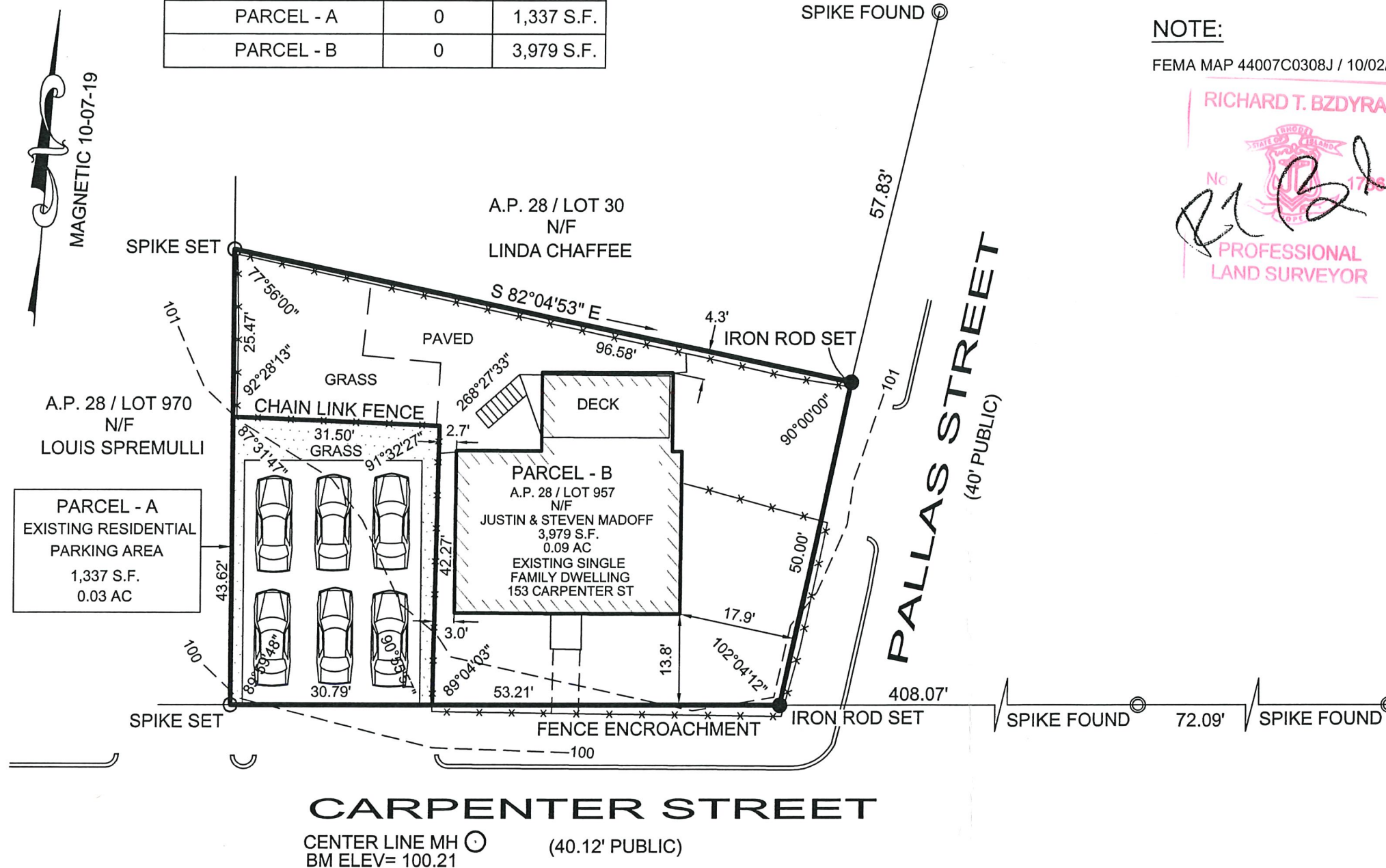
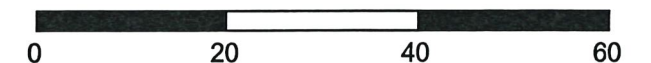
JUSTIN MADOFF  
 153 CARPENTER STREET  
 PROVIDENCE, R.I. 02903

PREPARED BY:

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JOB NO. 9540 / DWG. NO. 9540 - (JNP)

GRAPHIC SCALE / 1" = 20'



**SURVEY CLASSIFICATION:**

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 NOVEMBER 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION:

LIMITED CONTENT BOUNDARY SURVEY CLASS I  
 DATA ACCUMULATION SURVEY CLASS III

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

FOR MINOR SUBDIVISION PLAN.

BY: *[Signature]* DATE: 3/13/2020

BY: RICHARD T. BZDYRA, PLS; LICENSE #1786; COA # LS-A60