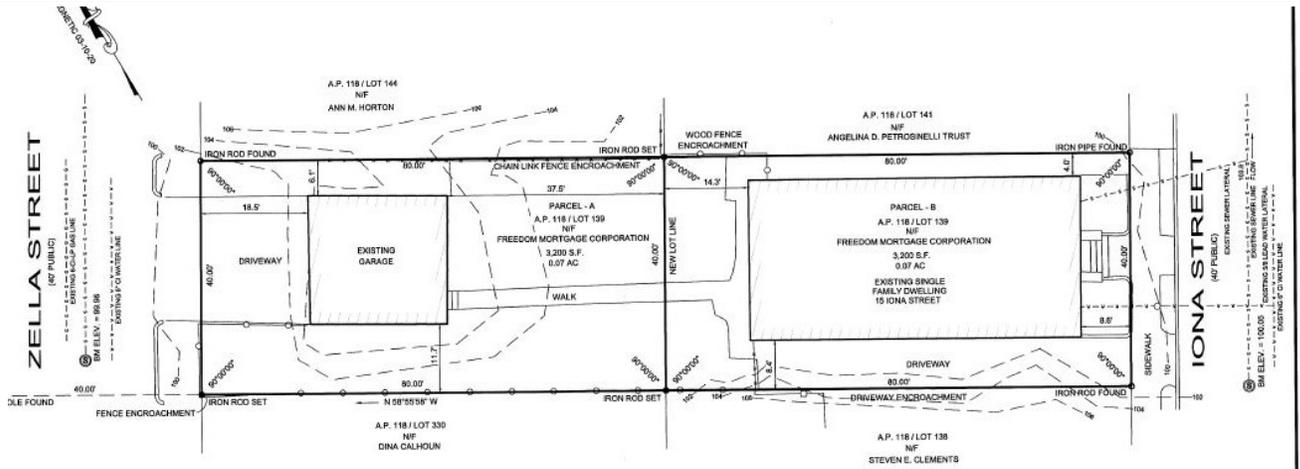


Providence City Plan Commission

December 15, 2020



AGENDA ITEM 4 ■ 15 IONA STREET



Proposed subdivision



Aerial view of the site

OWNER/APPLICANT: Maria Hiciano

PROJECT DESCRIPTION:

Subdivision of a lot measuring 6,400 SF into two lots measuring approximately 3,200 SF each in the R-1 zone. The minimum lot size for new subdivisions in the R-1 zone is 5,000 SF with a width of 50 feet. Pursuant to Unified Development Review, the applicant is seeking dimensional variances from minimum lot area, minimum lot width, rear yard setback, maximum building coverage, maximum impervious surface coverage, landscaping and canopy coverage requirements

CASE NO./PROJECT TYPE: 20-041 UDR—Unified Development Review

PROJECT LOCATION: 15 Iona Street
AP 118 Lot 139; R-1

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Elmhurst

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

This proposal consists of subdividing the existing through lot containing 6,400 square feet into two equal lots of 3,200 SF with 40 feet of frontage in the R-1 zone. Lot B will front on Iona Street and contain the existing single family dwelling. The area proposed for lot A is currently occupied by a garage which will be demolished, and front on Zella Street. The minimum lot size for new lots created by subdivision is 5,000 SF with a width of 50 feet. Pursuant to Unified Development Review, relief is being requested for minimum lot area, minimum lot width, rear yard setback, maximum building coverage, maximum impervious surface coverage, landscaping and canopy coverage requirements. The applicant is seeking preliminary plan approval

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 a site visit and plans provided, it appears that the relief is necessary due to the unique characteristics of the subject property, which is larger than most of the lots in the vicinity. It is a through lot with frontage on Iona and Zella Street. Per the zoning map, the area around the development is mostly composed of one family dwellings on lots that are between 3,200 and 6,400 SF. The subdivision would result in one family dwellings on lots of 3,200 SF, which would be in character with the surrounding neighborhood. The future land use map of the comprehensive plan identifies this area as one intended for single family residential development, characterized by one-family dwellings on lots that measure between 3,200 to 6,000 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 the surrounding property. The proposed subdivision would allow for development of two one-family dwellings, which would be in closer conformance with the neighborhood's character.

Upon subdivision, relief will be required for maximum impervious surface coverage, building coverage, rear yard setback, landscaping and the canopy coverage requirement. With the lot's reduced area, the existing impervious surface and building coverage will exceed what is permitted by the ordinance. Rear yard setback relief is required as the location of the new lot line is necessary to provide sufficient area to develop the rear lot, and will not meet the rear yard setback requirement from the existing dwelling. The available area for meeting the landscaping and canopy coverage requirement would be reduced. The need for relief appears to be related to the unique through-lot configuration with frontage on two streets. It is conceivable that the magnitude of relief required would be reduced if all the lot frontage was on one street, as more space to accommodate landscaping and provide pervious surface would be available.

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 due to the unique character of the lot, which is larger than most in the vicinity. The proposed subdivision would result in two lots that would allow for a single family dwelling on each lot.

Based on these plans, it is the DPD's opinion that 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 comprehensive plan and the surrounding neighborhood.

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 single family residential development characterized by one family dwellings on lots that measure between 3,200 to 6,000 SF. The neighborhood reflects this description as it is largely composed of one family dwellings on lots of varying size and width. Lots of 3,200 SF can be observed adjacent to the proposed lot on Zella Street and on Iona Street. The reduced lot area would be less than what is prescribed by the ordinance for newly created lots, but would conform to the neighborhood's character. A negative effect on neighborhood character is not expected as the subdivision would result in lots that conform to this land use description. Though relief is required, the amount of impervious surface on the development will not increase beyond what currently exists.

The applicant could take steps to enhance the neighborhood's character by making offsite plantings equivalent to the amount of required canopy coverage for the development under the supervision of the City Forester.

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

The relief requested is the least relief necessary to create separate lots that can each accommodate a one-family dwelling.

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 with a one-family dwelling on each lot. Given the character of the surrounding neighborhood, denial of the requested relief would prevent the through lot from being developed to its potential. It is the DPDs opinion that the hardship would amount to more than a mere inconvenience if the variance were to be denied.

RECOMMENDATION—Dimensional Variance

Based on the foregoing discussion, the DPD recommends that the CPC approve the requested relief subject to the following condition:

The applicant shall meet the landscaping and canopy coverage requirements for both lots by making an equivalent number of plantings under the supervision of the City Forester.

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 land development project 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 stage:

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 single family residential development. These areas are intended for residential uses characterized by single family dwellings in detached structures on separate lots ranging between 3,200 to 6,000 SF. The lots created through the subdivision would conform 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 new building on a separate lot, which is in conformance with the land use pattern envisioned by the plan.

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

New lots in the R-1 zone are required to maintain a minimum lot area of 5,000 SF and a width of 50 feet. As discussed, the subject lots will not meet these dimensional requirements in addition to impervious surface coverage and landscaping requirements. Pursuant to the CPC granting zoning relief, the subdivision will conform to the zoning ordinance. Final plan approval should be subject to the applicant meeting the canopy coverage requirements offsite.

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 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 applicant shall demolish the garage prior to final plan approval so as to not have the subdivision result in an accessory structure as the only building on a separate lot, which is prohibited by the building code. The subdivision is not expected to pose any constraints to development because each lot will be able to accommodate a single family dwelling and there are 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 dwelling will be accessible to vehicles and pedestrians from Iona Street and Zella Street.

RECOMMENDATION—Minor Subdivision

Based on the analysis and findings contained in this report, the CPC should vote to approve the preliminary plan pursuant to dimensional relief being granted through unified development review. The plan should be approved subject to the following conditions:

1. The applicant shall meet the canopy coverage requirements offsite under the supervision of the City Forester.
2. The applicant shall demolish the garage prior to final plan approval.
3. The validity of the preliminary plan should be extended to one year from the date of recording of the approval letter.
4. Final plan approval should be delegated to DPD staff.

IONA STREET & ZELLA STREET

STREET INDEX

REFERENCE:

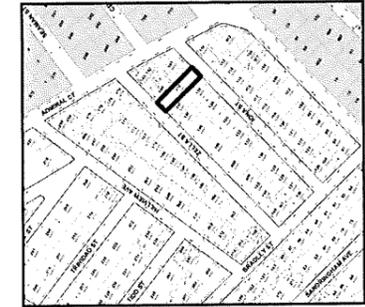
DEED BK. 12149 / PG. 122 DESIGNATED AS LOTS 127 & 133 ON THAT PLAT ENTITLED: "RIVER AVENUE PARK PROVIDENCE, R.I. BY FRANK E. WATERMAN AUG., 1912" PLAT CARD 1000

NOTE:

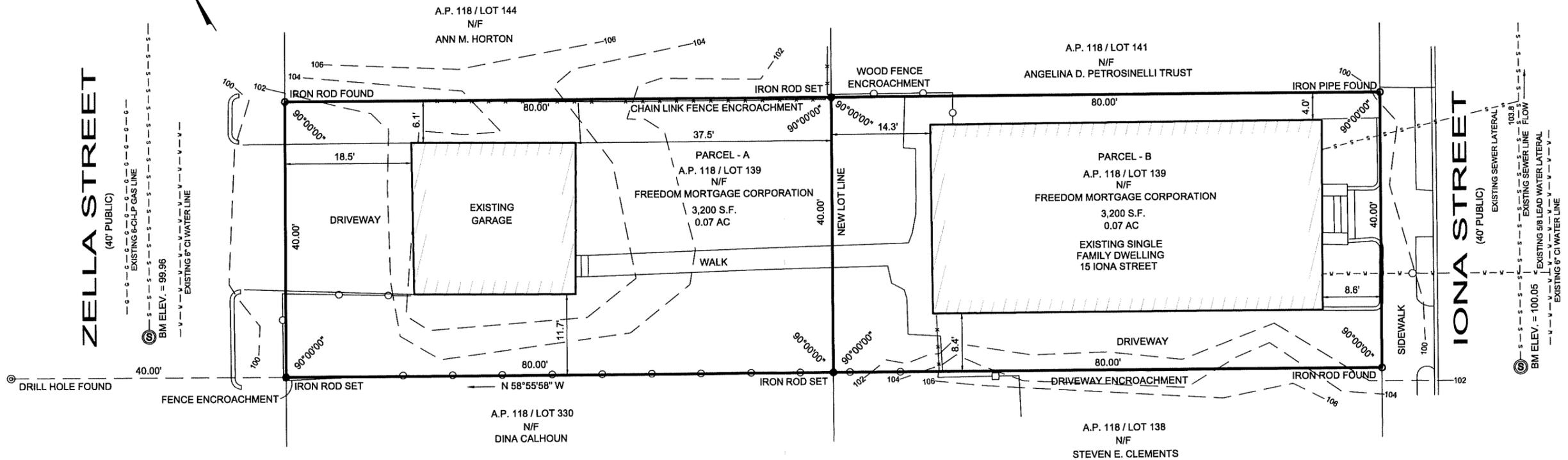
FEMA MAP 44007C0302H / 10/02/2015 / ZONE X.

ZONING DISTRICT R-1

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%
 MINIMUM CORNER SIDE SETBACK: SAME AS FRONT SETBACK
 ARTICLE 15-1 TREE CANOPY COVERAGE 30%



LOCUS MAP



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:

TO ESTABLISH AND STAKE RECORD BOUNDARY LINES.

BY: _____ DATE: _____

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

LOT / PARCEL	OLD AREA	NEW AREA
LOT 139	6,400 S.F.	0
PARCEL - A	0	3,200 S.F.
PARCEL - B	0	3,200 S.F.

**MINOR SUBDIVISION
 PRELIMINARY PLAN**

A.P. 118 / LOT 139
 15 IONA STREET
 PROVIDENCE, R.I.

SCALE: 1"= 10' DATE: MARCH 20, 2020

PREPARED FOR:

LEVERAGE MARKETING, LLC

127 UNIT STREET
 PROVIDENCE, R.I. 02908

PREPARED BY:

OCEAN STATE PLANNERS, INC.
 1255 OAKLAWN AVENUE, CRANSTON, RI 02920
 PHONE: (401) 463-9696 info@osplanners.com

JOB NO. 6194 / DWG. NO. 6194 - (JNP)

GRAPHIC SCALE / 1" = 10'

