

Providence City Plan Commission

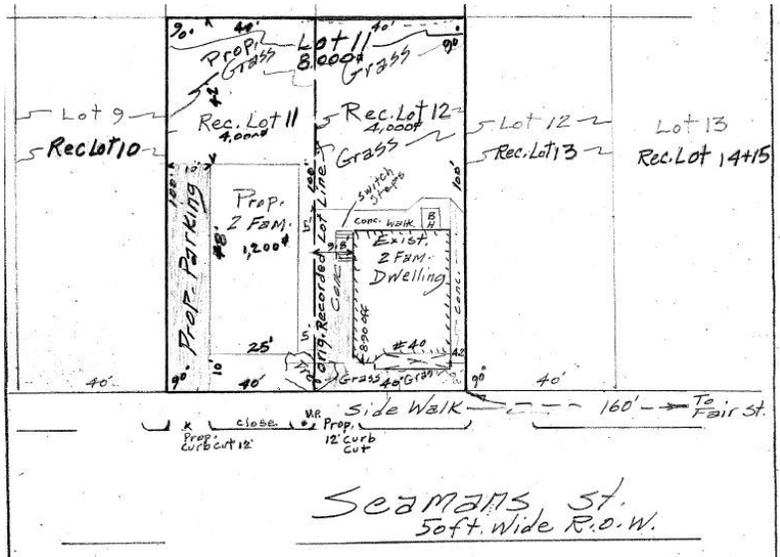
May 25, 2021



AGENDA ITEM 4 ■ 40 SEAMANS STREET



Aerial view of the site



Proposed subdivision

OWNER/APPLICANT:	Joseph Colaluca c/o Admiral Properties LLC	PROJECT DESCRIPTION:	Subdivision of a lot measuring 8,000 SF into two lots measuring approximately 4,000 SF each with 40' of frontage in the R-2 zone. The minimum lot size for new subdivisions in the R-2 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 and minimum lot width.
CASE NO./PROJECT TYPE:	21-007 UDR—Unified Development Review		
PROJECT LOCATION:	40 Seamans Street AP 79 Lot 11; R-2	RECOMMENDATION:	Approval of preliminary plan and dimensional variances
NEIGHBORHOOD:	Wanskuck	PROJECT PLANNER:	Choyon Manjrekar

DISCUSSION—Dimensional Relief

This proposal consists of subdividing the existing lot of 8,000 SF into two equal lots of 4,000 SF with 40 feet of frontage in the R-2 zone. The lot is currently occupied by a two family dwelling and a garage, which will be located on separate lots upon subdivision. 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 and minimum lot width with preliminary plan approval for the subdivision.

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 relief is necessary due to the unique characteristics of the subject property, as it is larger than most of the lots in the vicinity. The surrounding lots mostly range between 3,600 to 4,000 SF, which is comparable to the proposed lot sizes after subdivision. The subdivision would result in two two-family dwellings on lots of 4,000 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 low density residential development, characterized by one to two 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 the surrounding property and intent of the plan. The proposed subdivision would be in closer conformance with the neighborhood's character.

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 with a total of four dwellings on the site. 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 intended by 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 low density residential development. The neighborhood reflects that description as it is largely composed of one to two family dwellings on lots of varying size and width. Lots of 4,000 SF can be observed adjacent to the site. 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.

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

The relief requested is the least necessary to create separate lots with the proposed dimensions.

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. Denial of the requested relief would prevent the lot from being developed in conformance with the neighborhood's character. It is the DPD's 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.

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 low density residential development. These areas are intended for residential uses characterized by one to two family dwellings in detached structures on separate lots ranging between 3,200 to 5,000 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-2 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. Pursuant to the CPC granting zoning relief, the subdivision will conform to the zoning ordinance. The subdivision meets the other requirements of the ordinance.

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 should 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 ordinance. Alternatively, the applicant could preserve the garage if a plan of development for the lot is submitted prior to final plan

approval. The subdivision is not expected to pose any constraints to development because each lot will be able to accommodate a two 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 lot will be accessible to vehicles and pedestrians from Seamans 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 should demolish the garage prior to final plan approval or submit a development plan for the lot prior to final plan approval.
2. The validity of the preliminary plan should be extended to one year from the date of recording of the approval letter.
3. Final plan approval should be delegated to DPD staff.

