

A photograph of a two-story white building with a grey roof. The building has several windows, some with dark shutters. A fire escape is attached to the side of the building. Two satellite dishes are mounted on the left side of the building. The building is situated next to a paved area with yellow parking markings. A large tree is on the right side of the building.

366
4793
122.03 +/-

367
4970
128.45 +/-

173
171-169

[illegible]

PAGE 1

DISCUSSION—Dimensional Relief

The subject lot is a through lot that measures approximately 4,969 SF with frontage on Hudson and Willow Streets and occupied by two dwellings in the R-3 zone. The dwelling fronting Willow Street contains two units and the dwelling fronting on Hudson Street contains three. The applicant is proposing to subdivide the lot into two lots of 2,438 SF with frontage on Willow Street (Lot A), and 2,531 SF with frontage on Hudson Street (Lot B). The applicant is requesting relief from the following regulations from Table 4-1 of the ordinance in order to subdivide the lot as proposed:

- Minimum Lot Size (Lots A&B) - 5000 sq. feet required where 2438 SF is provided for Lot A and 2531 SF is provided for Lot B ;
- Rear Yard Setback (Lot B)—25 feet required where 6.00 feet is provided;
- Maximum Building Coverage (Lot B) – 45 % maximum where 53% is proposed for Lot B,
- Maximum Impervious Surface Coverage – Rear Yard (Lots A&B) - 50% maximum where 97.04% is proposed for Lot A and 100% proposed for Lot B
- Total Maximum Impervious Surface Coverage (Lots A&B)- 65 % maximum where 97.04 % is proposed for Lot A and 100% is proposed for Lot B.

In addition the applicant is seeking relief from Article 14 (parking) for Lot B where three (3) parking spaces are required and two (2) will be provided on Lot A pursuant to easement, as set forth in Section 1404 of the Zoning Ordinance.

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, where two dwelling units fronting on different streets are located on a single lot with excess paving. The relief sought is related to these conditions, and is required to situate each structure on a separate lot. Given the characteristics of the lot, the applicant will be unable to meet dimensional requirements like the rear yard setback, and will exceed impervious coverage limits.

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 not the result of a prior action of the applicant. The proposed subdivision would result in two lots with a dwelling on each lot, with no changes proposed to either building. Based on these plans, the relief requested does not appear to be primarily for financial gain but intended to situate each building on a separate lot, resulting in a development 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.*

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. Per the zoning map, the area around the development is largely composed of lots that are between 3,200 to over 5,000 SF occupied by dwellings of varying density. The proposed subdivision would result in development that would conform to the comprehensive plan. It appears that the lot's layout creates a hardship which does not allow for it to be subdivided in conformance with the neighborhood's character based on the surrounding

property. The proposed subdivision would allow for maintenance of a two-family and a three-family dwelling on separate lots, which would conform to the neighborhood's character.

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

The relief requested is the least relief necessary to create a separate lot for each of the existing dwellings.

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 a separate lot for each of the existing dwellings. Given the character of the surrounding neighborhood, denial of the requested relief would prevent the lot from being maintained based on the comprehensive plan's description of having buildings on separate lots within this land use designation. 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 medium density 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 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 and 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.*

The subdivision will conform to the ordinance subject to the CPC granting relief from minimum lot size, rear yard setback, maximum building coverage, minimum lot size, maximum impervious surface coverage—rear yard, total maximum impervious surface coverage and parking.

It is the DPD's opinion that the applicant could take further steps to bring the site into closer conformance with the ordinance. Based on plans provided, the site will be fully paved with minimal additional landscaping proposed. Possibilities for installing landscaping and additional pervious surface include the westerly concrete walk and the interior side yard of the Willow Street lot. Alternatively, the applicant could enhance the surroundings by making offsite plantings around the site under the supervision of the City Forester.

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.

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 there will be a separate building on each lot 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 Hudson Street and Willow Street.

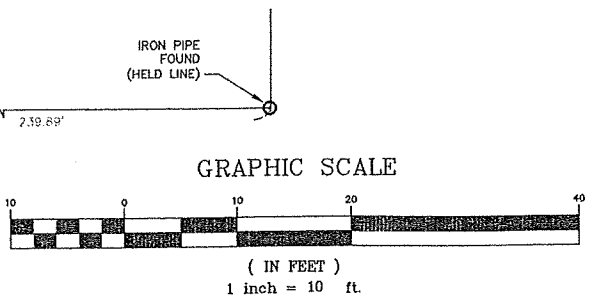
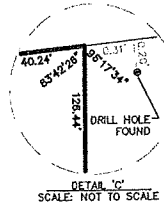
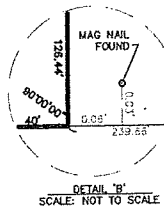
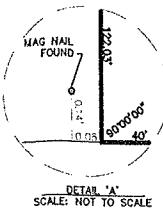
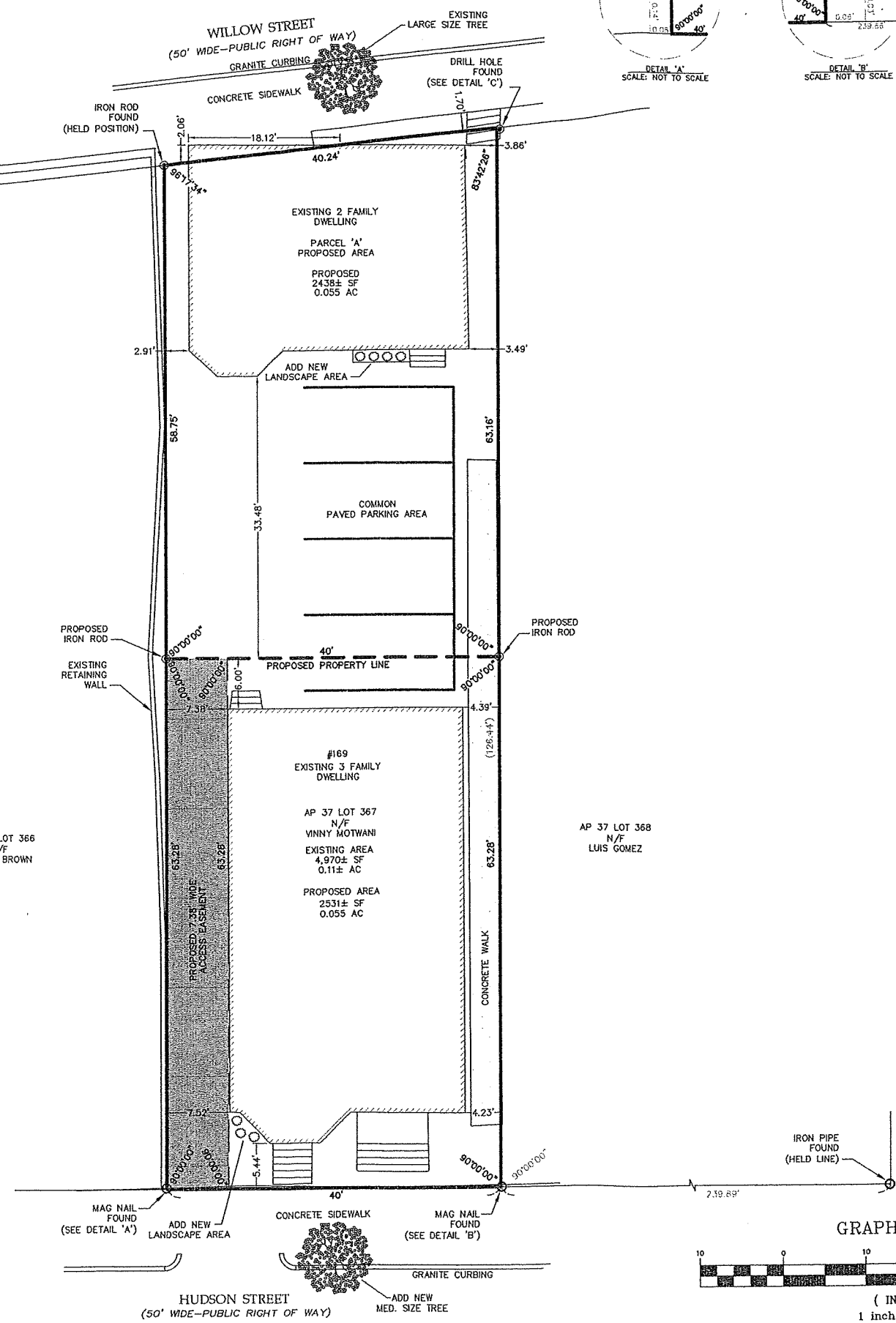
RECOMMENDATION—Minor Subdivision

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:

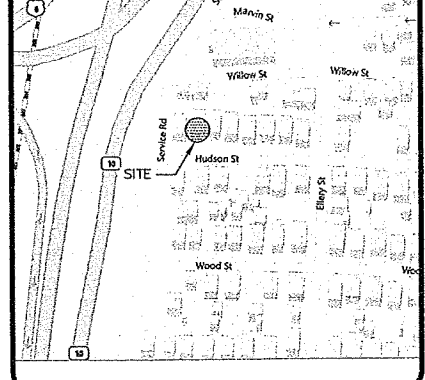
1. The applicant shall work with the City Forester to introduce more pervious surface onto the site and make offsite plantings.
2. Final plan approval should be delegated to DPD staff.

SERVICE ROAD 1
(VARIABLE WIDTH-PUBLIC RIGHT OF WAY)

AP 37 LOT 366
N/F
LISA A BROWN



VICINITY MAP
NOT TO SCALE



DRAWN BY: E.T.
CHECKED BY: M.C.

NO.	DATE	REVISION
1.		
2.		
3.		
4.		
5.		

LEGEND

- ⊙ SUBJECT PROPERTY
- DRILL HOLE
- IRON ROD
- N/F NOW OR FORMERLY
- SF SQUARE FOOT
- AC ACRES
- (126.44') DIMENSION TO BE DELETED

GENERAL NOTES

- FRONT SETBACK CALCULATION:
THE BUILD-TO ZONE IS CALCULATED AS THE AVERAGE OF THE FRONT SETBACKS OF DEVELOPED LOTS WITHIN 100 FEET ON EITHER SIDE OF THE SUBJECT LOT ON THE SAME SIDE OF THE STREET AS THE SUBJECT LOT. ANY LOTS WITHIN THIS DISTANCE THAT ARE ONLY PARTIALLY WITHIN THIS 100 FEET ARE ALSO INCLUDED IN THE CALCULATION. THE RESULTING CALCULATION CAN BE INCREASED OR DECREASED BY FIVE FEET TO ESTABLISH THE BUILD ZONE.
- SUBJECT PROPERTY LIES WITHIN ZONE X PER FLOOD INSURANCE RATE MAP 44007C0304J MAP REVISED OCTOBER 2, 2015.

REFERENCES

- "THE WEST TRAINING GROUND PLAT RECORDED MAY 10 1876" PLAT CARD 592

MINOR SUBDIVISION PLAN

PREPARED FOR: VINCENT MOTWANI
ASSESSOR'S PLAT 37 LOT 367
HUDSON STREET
PROVIDENCE, RHODE ISLAND

DATE: APRIL 30, 2021
SCALE: 1"=10'

NORTH ARROW
(ASSUMED)

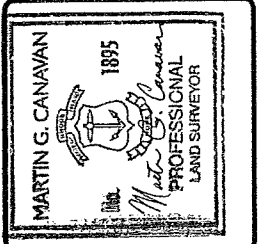


ZONING

ZONING DIST: R-3
MINIMUM REQ.
LOT AREA: 5000 SF
LOT FRONTAGE: 50'
FRONT YARD - NOTE: 4'
SIDE YARD: 4'
REAR YARD: 16'
MAX. BLDG. HGT: 45'
SEE ZONING REG'S.
FOR ADD. INFO.

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.
EFFECTIVE JANUARY 2010
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THIS PLAN IS AS FOLLOWS:
COMPREHENSIVE BOUNDARY SURVEY: MEASUREMENT SPECIFICATION-1
BY: *Martin G. Canavan* DATE: 4/30/21
MARTIN CANAVAN - #1805
COA NUMBER: 15-A536

THIS PLAN TO BE INDEXED BY THE FOLLOWING:
HUDSON STREET
WILLOW STREET



CANAVAN & Associates
Construction Surveying, Inc.
450 George Washington Highway
Smithfield, R.I. 02917
P=(401)232-1990 F=(401)232-1994