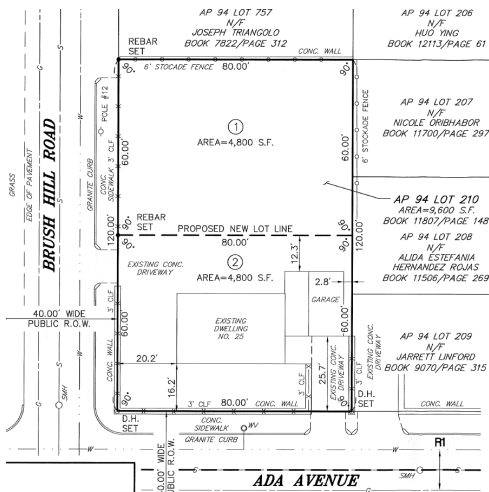


Providence City Plan Commission

October 19, 2021



AGENDA ITEM 5 ■ 25 ADA AVE



Proposed subdivision



View of the site from Ada Ave



Aerial view of the site

OWNER/APPLICANT: Harrington Construction Inc.

PROJECT DESCRIPTION:

Subdivision of a lot measuring 9,600 SF into two lots of 4,800 SF in the R-1 zone. Pursuant to Unified Development Review (UDR) the applicant is seeking relief from the minimum lot size requirement where a minimum of 5,000 SF are required for new lots but 4,800 SF will be provided.

CASE NO./ 21-032 UDR—Unified
PROJECT TYPE: Development Review

PROJECT LOCATION: 25 Ada Ave
AP 94 Lot 210; R-1

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Manton

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot is a corner lot with frontage on Ada Ave and Brush Hill Road and measures approximately 9,600 SF. It is occupied by a one family dwelling and zoned R-1. The applicant is proposing to subdivide the lot into two lots of 4,800 SF with 60' of frontage with the existing dwelling to remain. The minimum dimensions for new subdivisions in the R-1 zone are 5,000 SF with a width of 50 feet. The applicant is seeking relief from the minimum lot area requirement as the minimum lot size for new lots in the R-1 zone is 5,000 SF.

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, which is larger than other lots in the vicinity. If the lot were 10,000 SF—400 SF larger—the lot could be subdivided into two conforming 5,000 SF lots. As the amount of relief required is less than 10 percent of the requirement, the lot is unique as it is eligible for an administrative modification as opposed to a variance which requires a higher degree of relief. The applicant had applied for a modification which received an objection.

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 others in the vicinity, but does not allow for subdivision by right. The proposed subdivision would result in two lots that would allow for a single family dwelling on each lot. Based on these plans, 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.*

Per the zoning map, the area around the development is largely composed of lots that are between 3,200 to 8,000 SF. With one family dwellings on lots of over 4,800 SF, the subdivision will be in proportion to what exists in 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 maintenance of two one-family dwellings, 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 separate lots for development of two one-family 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 two lots for two one-family dwellings. Given the character of the surrounding neighborhood, denial of the requested relief would prevent the lot from being developed based on what can be accommodated according to the comprehensive plan. 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 request for relief from minimum lot size.

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. The new lots will measure approximately 4,800 SF each with a width of 60 feet, which will meet the minimum lot size requirement subject to the CPC granting relief. Based on the subdivision, additional changes to the plan are required prior to final plan approval to conform to the ordinance. Upon subdivision, the existing dwelling which fronts on Ada Ave will have two curb cuts, on Ada Ave and Brush Hill Road. As only one curb cut per residential lot is permitted, the curb cut on Brush Hill Road should be closed as the cut on Ada Ave provides access to a garage.

The rear yard of the dwelling on Ada Ave will be completely paved as it is occupied by a driveway. The applicant shall introduce pervious surface to meet the rear yard impervious surface coverage limit of 50 percent. Subject to implementing these changes, the subdivision will conform to 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 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.

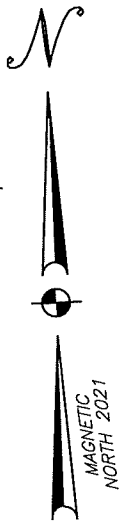
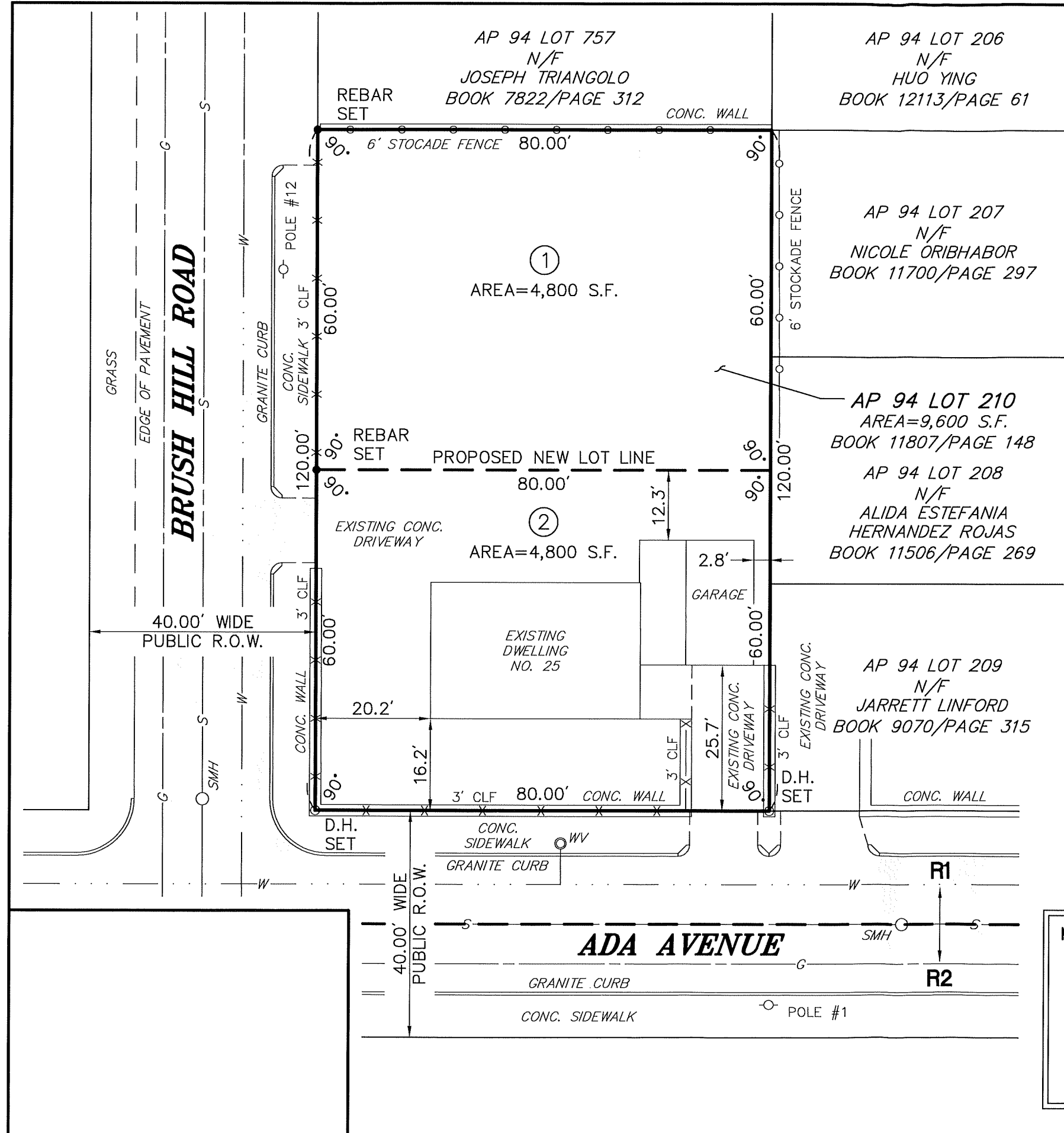
5. *Street Access—All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

Each dwelling will be accessible to vehicles and pedestrians from Ada Ave and Brush Hill Road.

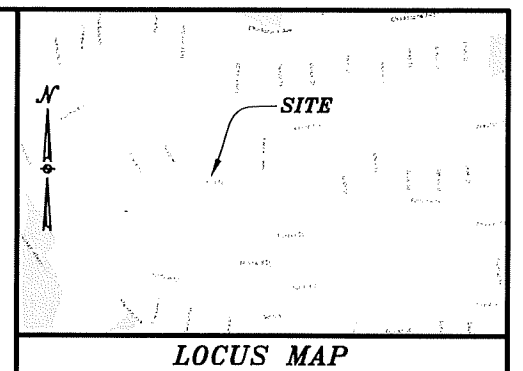
RECOMMENDATION—Minor Subdivision

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 close the curb cut on Brush Hill Road.
2. The applicant shall convert at least 50 percent of the driveway on Brush Hill Road to pervious surface to meet the rear yard pervious surface requirement.
3. Final plan approval should be delegated to DPD staff.



R.I.G.L. 34-13-1:
THIS PLAN SHALL BE INDEXED AS
ADA AVENUE AND
BRUSH HILL ROAD

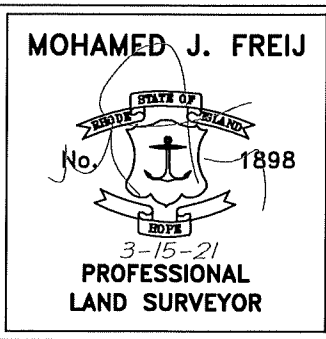


NOTES:

1. REFERENCE:
RECORD PLAT CARD NUMBER 908.
2. ZONING: R1
MINIMUM LOT AREA = 5,000 S.F., VARIANCE REQUESTED.
3. PROPOSING TO SUBDIVIDE PLAT 94, LOT 210 WITH AN AREA OF 9,600 S.F. INTO TWO LOTS 1 & 2 AS SHOWN ON THIS PLAN.
4. SITE IS LOCATED IN ZONE "X" PER FIRM MAP NO. 44007C0304J EFFECTIVE 12-02-2015.
5. UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED, MUST CONTACT DIG-SAFE AT 1-888-DIG-SAFE BEFORE THE START OF CONSTRUCTION.
6. THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE STATE OF RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS NOVEMBER 25, 2015 AS FOLLOWS:
COMPREHENSIVE BOUNDARY SURVEY- CLASS I

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

BY MJF DATE 3-15-21
MOHAMED J. FREIJ RLS NO. 1898 C.O.A. NO. 000A263
REGISTERED PROFESSIONAL LAND SURVEYOR



ADMINISTRATIVE SUBDIVISION PLAT 94 LOT 210 25 ADA AVENUE PROVIDENCE, RI 02909	PROJECT NO.
	SCALE 1" = 20'
OWNER: HARRINGTON CONSTRUCTION INC. (401)-300-2222	DATE MARCH 15, 2021
	DRAWN BY RMM
PREPARED BY MJF ENGINEERING ASSOCIATES 326 SOWAMS ROAD BARRINGTON, R.I. 02806 TEL. 401-241-5153 OR 401-247-2003 E-MAIL LANDSURVEYRI@AOL.COM	CHECKED BY MJF
	FILENAME ADA AVENUE.DWG
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