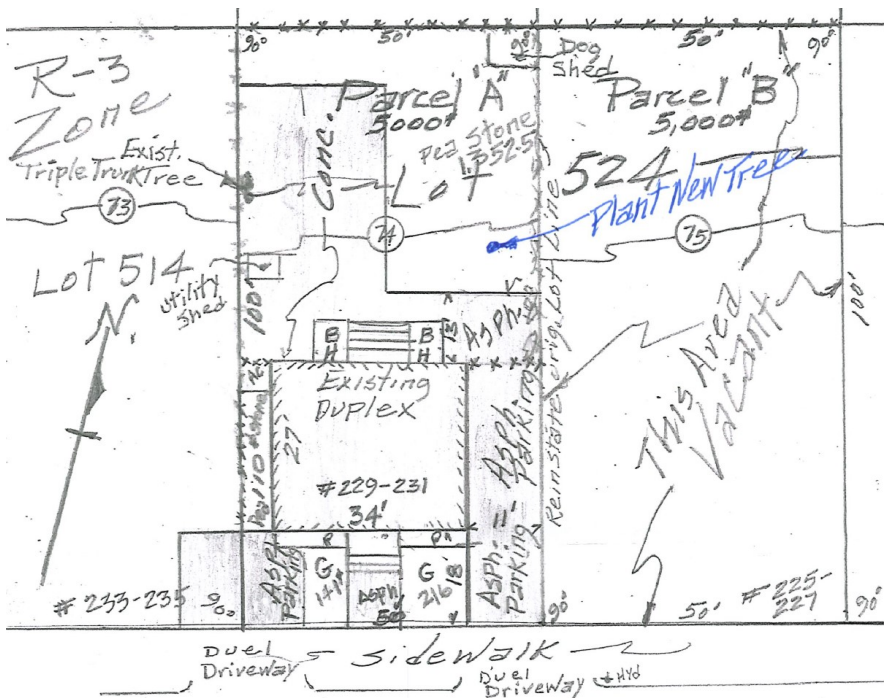


Providence City Plan Commission

March 15, 2022



AGENDA ITEM 4 ■ 229 STERLING AVE



View of the rear yard



Aerial view of the site

Proposed subdivision

OWNER/APPLICANT: Robert Oliveira

PROJECT DESCRIPTION:

Subdivision of a lot measuring 10,000 SF into two lots of 5,000 SF in the R-3 zone. Pursuant to Unified Development Review (UDR) the applicant is seeking dimensional relief from the front yard impervious surface coverage limit and is requesting to maintain two curb cuts on a lot.

CASE NO. / PROJECT TYPE: 22-006 UDR—Unified Development Review

PROJECT LOCATION: 229 Sterling Ave
AP 108 Lot 524; R-3

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Silver Lake

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot measures 10,000 SF and is occupied by a two family dwelling and zoned R-3. The applicant is proposing to subdivide the lot into two lots of 5,000 SF with 50' of frontage with the existing dwelling to remain. The lot will meet the minimum dimensions for new subdivisions in the zone. Pursuant to Unified Development Review (UDR) the applicant is seeking relief from the front yard impervious coverage limit where 33% impervious surface is permitted but 60% is proposed. The applicant is also seeking to maintain two curb cuts on the newly created lot with the existing building where one is permitted.

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. The lot measures 10,000 SF, which is comparable to two standard lots in this zone but only the western portion is occupied by the dwelling with the rest undeveloped. There is a curb cut on either side of the building providing parking for each dwelling, which appears to be a nonconforming condition and contributes to the excess front yard paving. These conditions result in a hardship as it prevents subdivision, which may be performed by right given the lot's area. The requested relief would allow the applicant to maintain the two curb cuts which appear to be directly related to the unique configuration of the property.

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 and is developed in a manner that requires a curb cut to access each unit. The lot's area allows for subdivision by right and does not appear to be motivated by 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.*

Per the zoning map, the area around the development is largely composed of lots that are around 5,000 SF, the proposed sizes of the lots upon subdivision. No changes are proposed to the building. As the subdivision will result in lots that are comparable to the surroundings, a change to neighborhood character is not expected. 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. The subdivision will result in development that conforms to this designation.

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 the vacant portion of the lot.

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 to allow for development of the currently vacant portion of the lot. Relief is being requested due to the unique character of the property. It is the DPD's opinion that the hardship would amount to more than a mere inconvenience if the variance were to be denied as it would result in the applicant being unable to subdivide the property as provided by the ordinance.

RECOMMENDATION—Dimensional Variance

Based on the foregoing discussion, the DPD recommends that the CPC approve the requests for relief from the maximum front yard coverage requirement and maintenance of the two existing curb cuts.

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 one to three family dwellings in detached structures on lots ranging between 3,200 to 5,000 SF. The lots created through the subdivision 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-3 zone are required to maintain a minimum lot area of 5,000 SF and a width of 50 feet. The lots will meet these minimum dimensional requirements but relief is required to retain two existing curb cuts and for exceeding the front yard paving limit. Based on the CPC granting the requested relief, the subdivision will be in conformance with the zoning ordinance. Per the submitted plan, the applicant will be planting a tree in the rear yard, which would increase the amount of canopy coverage and offset the excess front yard paving. The relief will not affect conformance with any other dimensional requirements.

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 the lots will meet the minimum size requirement and there are no 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 Sterling Ave.

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 validity of the preliminary plan should be extended to one year from the date of recording of the approval letter.
2. Final plan approval should be delegated to DPD staff.

EXISTING CONDITIONS ON PROPOSED "PARCEL A"
LOT SIZE 50'X100' = 5,000 Sq. Ft.

REAR YARD SIZE = 50' x 55' = 2,750 Sq. Ft.
PERVIOUS AREA PEA STONE = 27' X 42' + 9.5' X 23' = 1,352.5 Sq.Ft. OR .49%
IMPERVIOUS AREA = 2,750 Sq.Ft. - 1,352.5 = 1,397.5 Sq.Ft. OR .51%

FRONT YARD SIZE = 18' X 50' = 900 Sq.Ft.
PERVIOUS AREA GRASS AND PLANTERS = 357 Sq.Ft. OR .40%
IMPERVIOUS AREA = 900 Sq.Ft. - 357 Sq. Ft. = 543 Sq. Ft. OR .60%

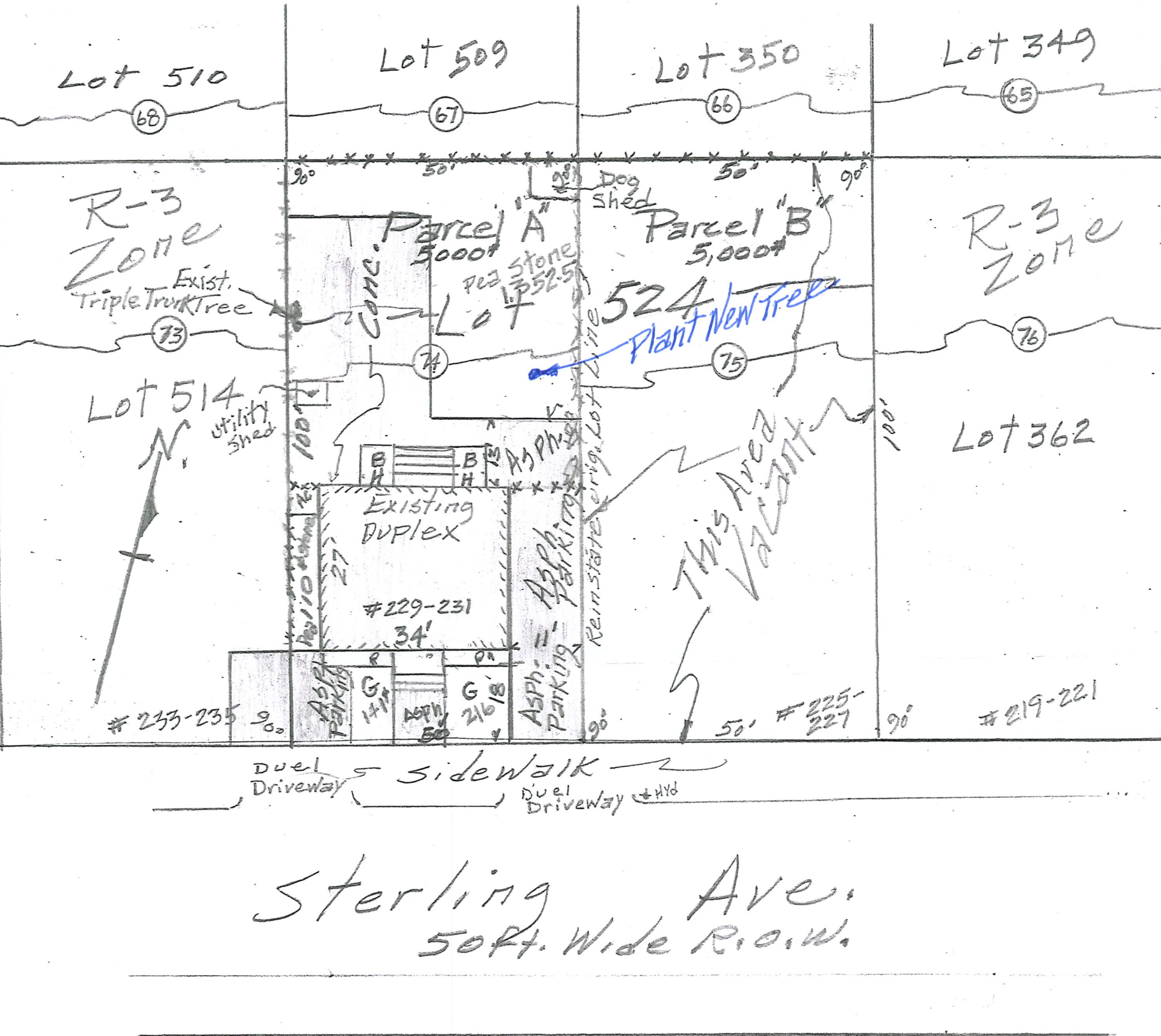
SIDE YARD AREAS
LEFT SIDE AREA 5' X 27' = 135 Sq.Ft.
5 Ft X 22 Ft. PERVIOUS AREA PEA STONE 110 Sq. Ft.
RIGHT SIDE 11 Ft. X 27' IMPERVIOUS AREA 297 Sq. Ft.

LOT PERVIOUS AREA
REAR YARD = 1,352.5 Sq.Ft.
FRONT YARD = 357 Sq.Ft.
SIDE YARD = 110 Sq.Ft.
TOTAL = 1,819.5 Sq. Ft. OR .36%

TOTAL IMPERVIOUS = 3,180.5 Sq.Ft. OR .64%

R-3 DISTRICT DIMENSIONAL STANDARDS

MIN. LOT AREA NEW LOT 5,000 SQ. FT.
MIN. LOT WIDTH 50 FT.
MAXIMUM BUILDING HEIGHT 45 FT. 3 STORIES
MAXIMUM BUILDING COVERAGE 45%
MAXIMUM IMPERVIOUS SURFACE
FRONT YARD 33%
REAR YARD 50%
TOTAL 65%
SET BACK REQUIREMENTS
FRONT (SEC. 402.B EXISTING AVERAGE)
MIN. SIDE LOTS 40 FT. WIDE OR LESS ---4 FT.
LOTS MORE THAN 40 FT. WIDE---6 FT.
MIN. REAR 25% OF DEPTH OR 25 FT. WHICHEVER IS LESS



CERTIFICATION:
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 NOV. 25, 2015
TYPE OF SURVEY = LIMITED CONTENT
BOUNDARY SURVEY
MEASUREMENT SPECIFICATION =
CLASS 1

THIS LINE 25' LONG
GRAPHIC SCALE

DESK: JAC	CHD: MS
DATE: 8-15-20	SCALE: 1"=20'
REVISION: 1	DATE: 11-10-21
Area of:	
Impervious	
Material	
06-21-21	

REFERENCES;
PROV. A.P. 108
D.P.W. ENG'S
ST. LINE PLANS
SECT. MAPS
55/17, 55/18, 56/17, 56/18
RECORDER OF DEEDS
DEED BOOK 12771 PG. 256
RECORD PLAT OF
"PLAT OF THE PLAIN FARM
WEST PROVIDENCE
BY CUSHING & FARNUM 1853"
PLAT CARD # 853

Rec. Lot #
XX
SHOWN THUS

THIS PLAN FOR
ROBERT, CODY, AND NICHOLAS OLIVEIRA
OWNERS OF LOT 524 BY DEED BOOK 12771
PAGES 254-256 INCL.

Alexander A. Scungio P.L.S.
18 Twins Lane
North Providence, RI 02904
401-265-9658
scungiosurvey@gmail.com

WE ARE

ON TARGET

- Land Consultant
- Land Surveying
- Plat Development
- Construction Layout

Alexander A. Scungio
11-10-21

PLAN SHOWING
EXISTING CONDITIONS AND
PROPOSED MINOR SUBDIVISION
OF LOT 524 ON PROV. A.P. 108
LOCATED AT 229-231 STERLING AVE.