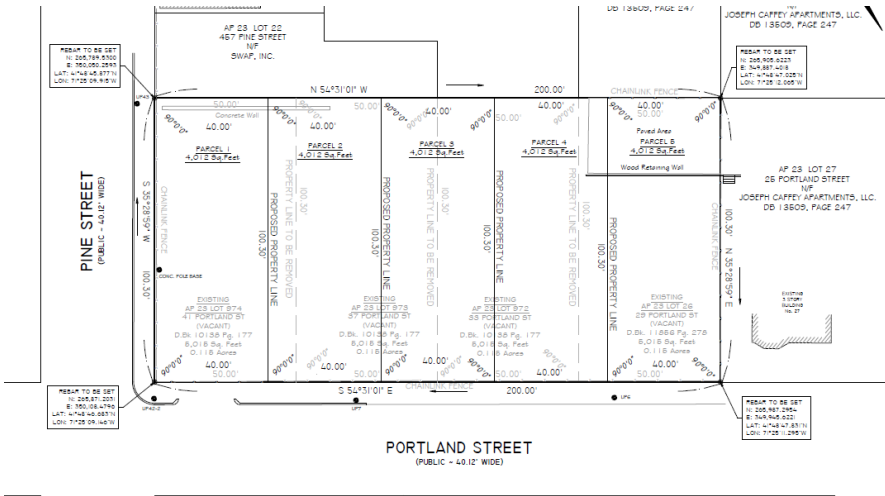


Providence City Plan Commission

August 30, 2022



AGENDA ITEM 3 ■ 29-41 PORTLAND STREET



Aerial view of the site

Proposed subdivision

OWNER/APPLICANT: SWAP Inc

PROJECT DESCRIPTION: The development consists of four lots measuring slightly over 5,000 SF each. The applicant is proposing to subdivide the lots into five lots of approximately 4,012 SF, that would each be developed as a two family dwelling. Pursuant to unified development review, the applicant is seeking relief from section 402 for minimum lot size, minimum lot width and the corner side setback.

CASE NO./PROJECT TYPE: 22-035 UDR—Minor Subdivision with Unified Development Review

PROJECT LOCATION: 29-41 Portland Street
AP 23 Lots 26, 972, 973, 974;
R-3 zoning district

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Upper South Providence **PROJECT PLANNER:** Choyon Manjrekar

DISCUSSION—Dimensional Relief

The development measures approximately 20,000 SF and is composed of four vacant lots of roughly 5,000 SF each in the R-3 zone. The applicant is proposing to subdivide the lots into five lots of roughly 4,000 SF with width of 40'. Each lot is proposed to be developed as a two family dwelling, for a total of 10 units. New lots in the R-3 zone require a minimum lot size of 5,000 SF and 50' of lot width. Pursuant to Unified Development Review (UDR), the applicant is seeking relief for minimum lot size, minimum lot width and the corner side setback which is required to be the same dimension as the front setback. The proposed corner side setback is expected to be larger than the front setback.

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).*

The mission of the applicant is to provide affordable housing, which is encouraged by the comprehensive plan. The current layout of the site would allow for construction of four three family dwellings by right. Per the applicant, the intention is to build four houses for homeownership, each with a rental unit. The site is contaminated and construction of five houses would allow the costs of remediation to be spread among more owners than if only four houses could be built. It is the DPD's opinion that this constitutes a hardship due to the unique characteristics of the site. The applicant is not seeking relief due to a physical or economic disability.

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 property, which is not the result of the applicant's prior action. The relief requested would result in smaller lots that would allow the applicant to most effectively develop the property for affordable housing. It is the DPD's opinion that this is not primarily for financial gain as the applicant is a nonprofit organization that provides affordable housing, and the proposal is to develop fewer units than would be allowed by right.

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. The subdivision would result in five lots with two-family dwellings on each, for a total of 10 units, which conforms to the intent of the comprehensive plan. Lots of a similar size and width as those proposed can be observed in the vicinity. Objectives H2 and H3 of the comprehensive plan calls for developing new affordable housing and encouraging the development of homeownership opportunities.

Relief from the corner side setback requirement for proposed lot 1 is being requested as the side setbacks will be greater than the front setback (12' vs 10') which are required to be the same dimension. Based on the subdivision and proposed building placement, the corner side setback is not expected to affect neighborhood character as it will not affect any other property in the vicinity.

The number of units is less than the 12 units that would be permitted by right if the four existing lots were developed with three family dwellings. The subdivision will not alter the neighborhood's character as the developed lots would yield fewer units than what is permitted by right.

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

Given the unique characteristics of the property and the applicant's hardship, the relief requested would be the least necessary to allow for a subdivision to create four two-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 five separate lots. Denial of the requested relief would prevent the site from being developed. 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 prevent subdivision that would allow for remediation and development of the site.

RECOMMENDATION—Dimensional Variance

Based on the foregoing discussion, the DPD recommends that the CPC approve the requested relief from the minimum lot size, minimum lot width and corner side setback.

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 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 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, lot width and corner side setback requirements. The subject lots will conform to the other dimensional 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 significant 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 it will result in five lots that can

each 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 dwelling will be accessible to vehicles and pedestrians from Portland 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 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.