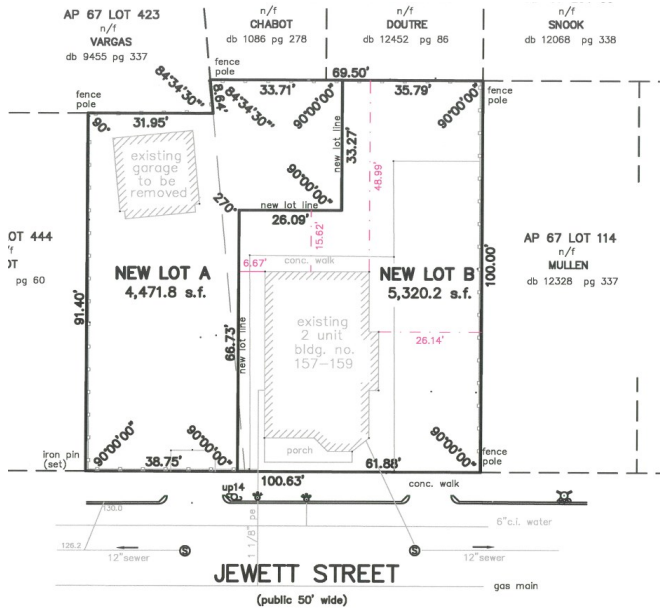


Providence City Plan Commission

September 20, 2022



AGENDA ITEM 4 ■ 157 JEWETT STREET



Aerial view of the site

Proposed subdivision

OWNER/APPLICANT: Solomon Maradjian

PROJECT DESCRIPTION: The applicant is proposing to subdivide the lot which measures approximately 9,747 SF into two lots of 4,471 SF and 5,320 SF. Pursuant to unified development review, the applicant is seeking relief from the requirements for minimum lot size, minimum lot width and minimum lot area for construction of a three family dwelling.

CASE NO./ 22-038 UDR—Minor Subdivision
PROJECT TYPE: with Unified Development Review

PROJECT LOCATION: 157 Jewett Street
AP 67 Lot 115

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Smith Hill

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot measures approximately 9,747 SF and is occupied by a three family dwelling in the R-3 zone. The applicant is proposing to subdivide the lot into two lots of 5,320 SF and 4,471 SF with respective widths of 61' and 38'. New lots in the R-3 zone require a width of 50' and a minimum lot size of 5,000 SF to construct a three family dwelling. Pursuant to Unified Development Review (UDR), the applicant is requesting relief from the minimum lot size and lot width requirements and the minimum lot size for construction of a three family dwelling on the newly created lot.

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 subject property is unique due to the lot's area and location of the existing building. Measuring approximately 9,747 SF, the lot could be subdivided through an administrative modification which does not require the level of findings for a variance, as the area can yield two lots within 10% the 5,000 SF minimum and 50' lot width. However, based on the survey, relief is required due to the location of the existing building and shape of the lot which reduces the lot width and area available to newly created lot 'A' in order to maintain setbacks and retain existing parking. These conditions are not related to the physical or economic condition of the applicant.

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.*

Denial of the request would result in a hardship as it would prevent subdivision of the lot. As discussed, the subject lot is eligible for an administrative modification due to its lot size, but cannot be subdivided due to its unique character. The relief appears to be requested due to the unique character of the lot and not primarily for 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.*

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 two lots that conform to the intent of the comprehensive plan. Similar and smaller size lots with comparable widths as those proposed can be observed in the vicinity, therefore, a negative effect on neighborhood character is not expected. The resultant density of six units on approximately 10,000 SF would be characteristic of the R-3 zone.

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 subdivision into two lots.

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.*

Denial of the requested relief would prevent subdivision of the lot, which would amount to more than a mere inconvenience.

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 minimum lot size for construction of a three family dwelling.

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 and minimum lot width. The applicant has also requested relief from the lot area requirement for construction of a three family dwelling. The applicant has submitted a conceptual plan which shows compliance with the dimensional requirements of the ordinance as well as a survey of the lot.

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 two lots that can each accommodate a three-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.*

Adequate street access is provided from Jewett 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 by one year in response to a written request submitted by the applicant because the statutory timeframe of 90 days is too short to fulfill the conditions of approval.
2. Final plan approval should be delegated to DPD staff.