

# Providence City Plan Commission

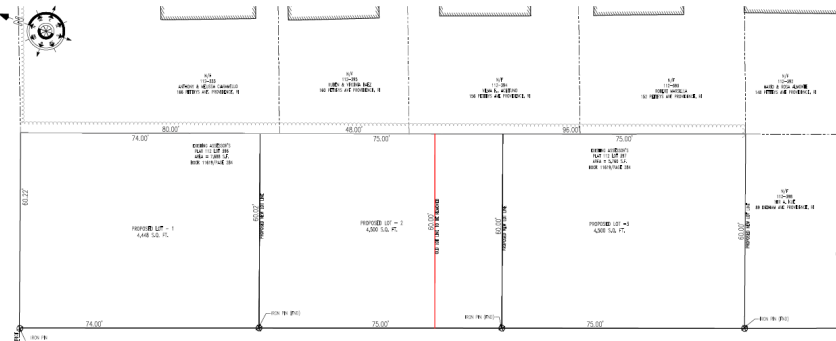
August 15, 2023



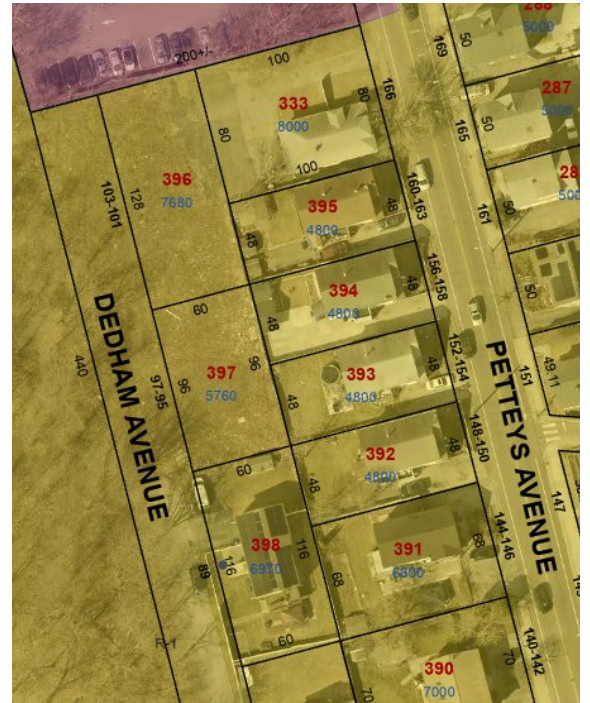
## AGENDA ITEM 2 ■ 95-101 DEDHAM AVE



View from Dedham Ave



Proposed subdivision



Aerial view of the site

<b>OWNER/ APPLICANT:</b>	Vitality Land Holdings LLC	<b>PROJECT DESCRIPTION:</b>	Subdivision of two lots measuring 5,760 SF and 7,680 SF into three lots with two measuring 4,500 SF and one measuring 4,448 SF in the R-1 zone. The lots measuring 4,500 SF have received an administrative modification for lot area. Relief from the minimum lot size requirement of 5,000 SF is requested for the third lot.
<b>CASE NO./ PROJECT TYPE:</b>	23-044 UDR—Unified Development Review		
<b>PROJECT LOCATION:</b>	95-101 Dedham Ave AP 112 Lots 396 and 397; R-1	<b>RECOMMENDATION:</b>	Approval of preliminary plan and dimensional variance
<b>NEIGHBORHOOD:</b>	Hartford	<b>PROJECT PLANNER:</b>	Choyon Manjrekar

## **DISCUSSION—Dimensional Relief**

The subject lots are vacant and zoned R-1. They front on an undeveloped portion of Dedham Ave and measure 5,760 SF and 7,680 SF. The applicant is proposing to subdivide to create three lots, which require a minimum of 5,000 SF and 50' of frontage in the R-1 zone. An administrative modification to create two lots measuring 4,500 SF was granted in May 2023. However, relief from the minimum lot area requirement is requested for the third lot which measures 4,448 SF. The applicant has indicated that they may request approval for a zone change to R-2

## **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 a site visit and plans provided, it appears that the relief is necessary due to the unique characteristics of the subject property, as the lots are vacant and not served by a street. Further, they are currently larger than the 5,000 SF minimum of the R-1 zone and would be difficult to develop as single family dwellings. Per the zoning map, the area around the development is mostly composed of single family dwellings to the east and south with commercial development to the north. The area to the east is vacant and undeveloped. 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 size of the lots and not being on a developed street create a hardship which does not allow for the lots to be developed in conformance with the zoning ordinance. The proposed subdivision would allow for development of three one-family dwellings, which would be in closer conformance with the intention of the future land use map.

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 surroundings and being larger than the minimum lot size of 5,000 SF. The lot sizes and undeveloped street are not the result of the applicant's prior actions. An administrative modification has been received for two lots to maintain an area of 4,500 SF with relief requested for a third to maintain an area of 4,448 SF. 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 outlined in the comprehensive plan.

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.*

According to the future land use map of the comprehensive plan, the neighborhood is intended for single family residential development characterized by one family dwellings on lots that measure between 3,200 to 6,000 SF. The neighborhood to the east and south of the subject lots reflects this description as it is largely composed of one family dwellings on lots of varying size and width. The proposed development will be similar to what can be observed around the site. A negative effect on neighborhood character is not expected as the subdivision would result in lots that conform to this land use description. The lot area would be less than what is prescribed by the ordinance for newly created lots, but would conform to the neighborhood's character.

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

The applicant has received an administrative modification to maintain two lots of 4,500 SF. The relief requested would be the least necessary to allow for maintenance of a third lot measuring 4,448 SF.

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 three developable lots, with two having received administrative modifications. Denial of the requested relief would prevent development of the site as proposed and 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. The dimensional relief will apply to the lots, should they be rezoned.

### **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.

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 4,448 SF with a width of 74', and two lots measuring 4,500 SF with widths of 75'. The subdivision will comply with the ordinance subject to the applicant receiving relief from the minimum lot size requirement. The applicant is requesting a zone change to R-2. The relief would apply to the lots in the R-2 zone should the zone change be approved.

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 as there are no apparent 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 Dedham 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 shall be extended to one year from the date of recording of the approval letter based on a written request from the applicant.
2. Final plan approval should be delegated to DPD staff.