

Providence City Plan Commission

October 17, 2023



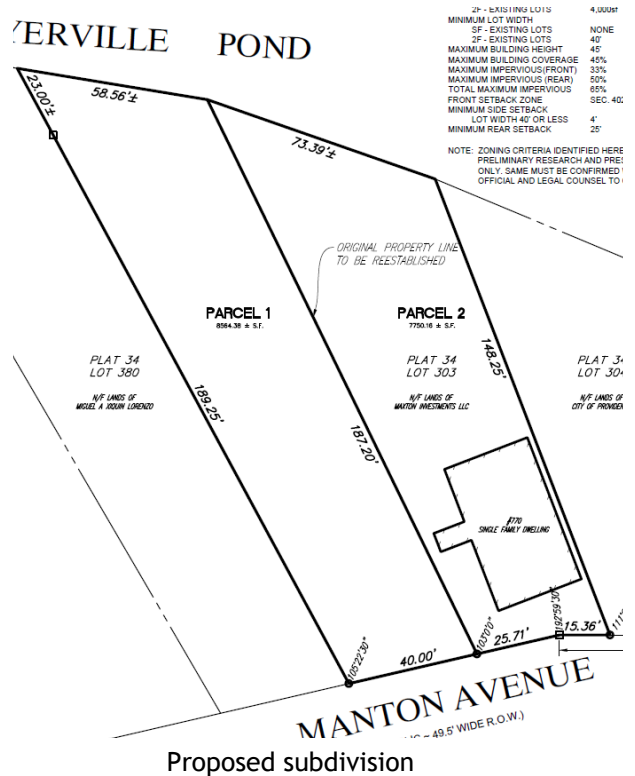
AGENDA ITEM 4 ■ 770 MANTON AVE



View from Manton Ave



Aerial view of the site



**OWNER/
APPLICANT:** Maxton Investments LLC

**CASE NO./
PROJECT TYPE:** 23-051UDR—Unified Development Review

**PROJECT
LOCATION:** 770 Manton
AP 34 Lot 303; R-2

NEIGHBORHOOD: Manton

PROJECT DESCRIPTION: Subdivision of a lot measuring approximately 16,851 SF into two lots of 8,565 SF and 7,750 SF in the R-2 zone. The lot is occupied by a single family dwelling that will be demolished. Pursuant to Unified Development Review (UDR), the applicant is seeking a dimensional variance from the lot width requirement where widths of 40' and 41' will be provided where 50' is required.

RECOMMENDATION: Approval of preliminary plan and dimensional variance

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot measures approximately 16,851 SF, is zoned R-2, and occupied by a single family dwelling that will be demolished. The applicant is proposing to subdivide the lot into two lots of 8,564 SF and 7,750 SF with widths of approximately 41' and 40' respectively. New subdivisions in the R-2 zone require a minimum lot area of 5,000 SF and 50' of lot width. The lots will meet the minimum lot size requirement but relief has been requested from the minimum lot width requirement pursuant to UDR.

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 length of the lot greatly exceeds the width. The lot measures 16,851 SF and can provide the minimum lot area of 5,000 SF upon subdivision, but will not meet the minimum lot width requirement of 50'. The subdivision would be permitted by right if 50' of lot width could be provided. The future land use map of the comprehensive plan identifies this area as one intended for low density residential development, characterized by one to two family dwellings on lots that measure between 3,200 to 5,000 SF. It appears that the lot's width creates a hardship which does not allow for the lot to be subdivided in conformance with the neighborhood's character while providing the minimum area. The proposed subdivision would allow for development of each lot, in conformance with the neighborhood's character.

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 can provide the minimum required lot area but cannot be subdivided by right due to its width. It is an existing condition that was not caused by applicant. The relief requested does not appear to be primarily for financial gain but intended to develop the site in a manner that is permitted by the ordinance, and 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.*

A negative effect on neighborhood character is not expected as the subdivision would result in lots that conform to the land use description of the comprehensive plan and the neighborhood's character.

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

The relief requested is the least necessary to create separate developable 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.*

The purpose of the subdivision is to create two developable lots. Given the character of the surrounding neighborhood, denial of the requested relief would prevent the lot from being developed in conformance with the comprehensive plan. It is the DPDs 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 width.

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 two 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. Creation of new lots would allow for construction of dwellings on separate lots, which will conform to 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-2 zone are required to maintain a minimum lot area of 5,000 SF and a width of 50 feet. The new lots will meet the minimum area requirement, providing 8,564 SF and 7,750 SF with respective widths of approximately 40' and 41'. Subject to the CPC granting relief from the lot width requirement, the subdivision will conform to the ordinance. No additional relief is required as the applicant will meet 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 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 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.*

Street access to the lots will be provided from Manton 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.