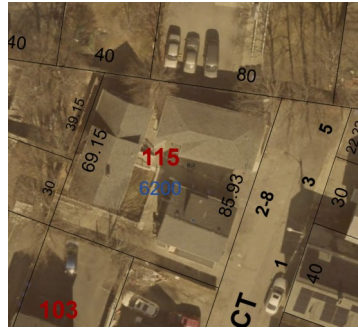
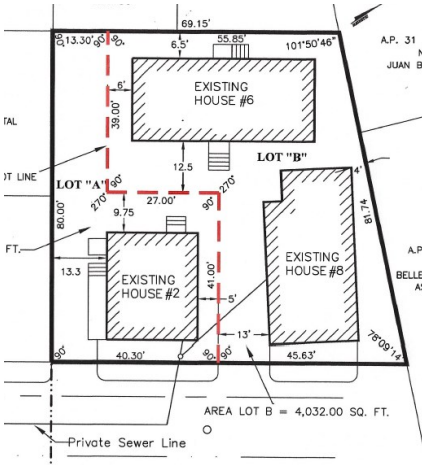


# Providence City Plan Commission

January 16, 2024



## AGENDA ITEM 1 ■ 2 WARE COURT



Aerial view of the site



View from Ware Ct

**OWNER/APPLICANT:** Rossco Contracting Group LLC  
c/o Kenneth Trinque

**PROJECT DESCRIPTION:** The applicant is proposing to subdivide the lot which measures approximately 6,200 SF and is occupied by three buildings, into two lots of 2,171 SF and 4,032 SF with lots occupied by one and two buildings respectively. Pursuant to unified development review, the applicant is seeking relief from the requirements for minimum lot size, minimum lot width, impervious surface coverage and relief for two principal buildings on a lot.

**CASE NO./PROJECT TYPE:** 23-056 UDR—Minor Subdivision  
with Unified Development Review

**PROJECT LOCATION:** 2 Ware Court  
AP 31 Lot 115  
R-3 zoning district

**RECOMMENDATION:** Approval of preliminary plan and dimensional variances

**NEIGHBORHOOD:** West End

**PROJECT PLANNER:** Choyon Manjrekar

## **DISCUSSION—Dimensional Relief**

The subject lot measures approximately 6,200 SF and is occupied by three one-family dwellings in the R-3 zone. The applicant is proposing to subdivide the lot into two lots of 2,171 SF and 4,032 SF with respective widths of approximately 40.3' and 45.63'. The smaller lot will be occupied by one building and the larger lot will be occupied by two. New lots in the R-3 zone require a minimum lot size of 5,000 SF and a width of 50'. Pursuant to Unified Development Review (UDR), the applicant is requesting relief from the minimum lot size and lot width requirements. In addition, relief from the maximum impervious surface coverage requirements—front yard, rear yard and total impervious surface coverage is requested in addition to relief for more than one principal building on a 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 as the lot is occupied by three dwellings. Based on a site visit and plans provided, the relief requested is related to the lot's character as any subdivision to separate the dwellings would require relief from the minimum lot size and width requirements based on the lot's size. The lot is largely impervious and requires relief from those conditions as it is occupied by buildings and paved surfaces to permit vehicular access. These conditions are not related to a physical or economic disability of the applicant.

2. *That the hardship is not the result of any prior action of the applicant.*

Denial of the request would result in a hardship as it would prevent subdivision of the lot and separation of the buildings. As discussed, the subject lot cannot be subdivided without relief due to its unique character, which is not the result of the applicant's prior action.

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 not affect an increase in residential density beyond what currently exists. The subdivision would result in two lots that would more closely conform to the intent of the comprehensive plan. Similar and smaller size lots with comparable areas and widths as those proposed can be observed in the vicinity, therefore, a negative effect on neighborhood character is not expected.

4. *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 and separation of the buildings onto different lots, 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, impervious coverage requirements and relief for more than one principal structure on a lot.

## **FINDINGS—Minor Subdivision**

Section 1005 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings a part of their approval of all subdivision 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 bring the site into closer conformance with 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, minimum lot width, impervious surface coverage and relief for more than one principal dwelling on a lot. Three medium trees will be planted on site, providing 2,100 SF of canopy coverage, which would meet the 1,860 SF canopy coverage requirement. Given the excess impervious surface on the site, it is the DPD's opinion that the applicant could make an effort to introduce more pervious surface on the site, particularly in the rear and side yards of lot 2.

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 separate lots with 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 Ware Court.

## **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. The applicant shall make an effort to introduce more pervious surface and landscaping on the site.
3. Final plan approval should be delegated to DPD staff.