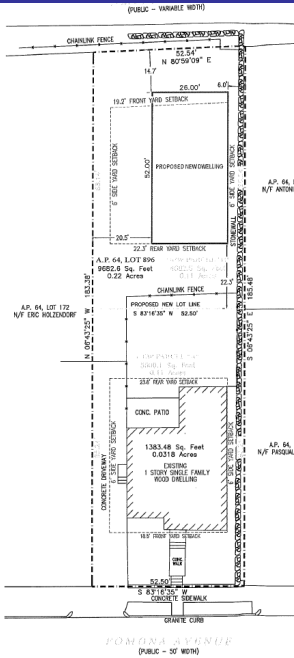


# Providence City Plan Commission

March 19, 2024



## AGENDA ITEM 3 ■ 53 POMONA AVE



View from Pomona Ave



Aerial view of the site

Proposed subdivision

**OWNER/APPLICANT:** Michael Kelly

**PROJECT DESCRIPTION:**

The applicant is proposing to subdivide the lot which measures approximately 9,682 SF into two lots of 5,000 SF and 4,682 SF. Pursuant to unified development review, the applicant is seeking relief from section 402 for minimum lot size.

**CASE NO./** 22-054 UDR—Minor Subdivision  
**PROJECT TYPE:** with Unified Development Review

**PROJECT LOCATION:** 53 Pomona  
AP 64 Lot 896

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

**NEIGHBORHOOD:** Mt Pleasant

**PROJECT PLANNER:** Choyon Manjrekar

## **DISCUSSION—Dimensional Relief**

The subject lot measures approximately 9,682 SF and is occupied by a one family dwelling. The applicant is proposing to subdivide the lot into two lots of 5,000 SF and 4,682 SF. The applicant had applied for an administrative modification for the proposed lot sizes, one of which is within 10% of the 5,000 SF minimum, but an objection was received from an abutter. Therefore, the applicant is seeking relief from the minimum lot size requirement to subdivide the lots as proposed pursuant to Unified Development Review (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).*

The subject property is unique as the lot's area is within 10% of the 5,000 SF minimum required for subdivision by right, and may be subdivided through an administrative modification which does not require the level of findings for a variance. The applicant is seeking relief as the modification was objected to, not due to a physical or economic disability.

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, which as discussed, is eligible for subdivision through an administrative modification due to its unique character.

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 low density residential development, characterized by one to two family dwellings on lots that measure between 3,200 to 5,000 SF. The subdivision would result in two lots that conform to this description, and the intent of the comprehensive plan. Lots of a similar size and width 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 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 requirement.

## **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 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 low 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 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 the minimum lot size requirement as no other dimensional relief is required.

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.*

A significant tree is located close to the center of the proposed new lot fronting on Amity Street. The City Forester has inspected the site and found that per section 1503.B.2 of the ordinance, the presence of the tree would impede development of the lot due to damage that would be incurred by the root system. The Forester approved removal of the tree subject to certain conditions. There are no development constraints that affect development of the lot.

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 Pomona and Amity streets.

#### **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 condition:

Final plan approval should be delegated to DPD staff.