

Providence City Plan Commission

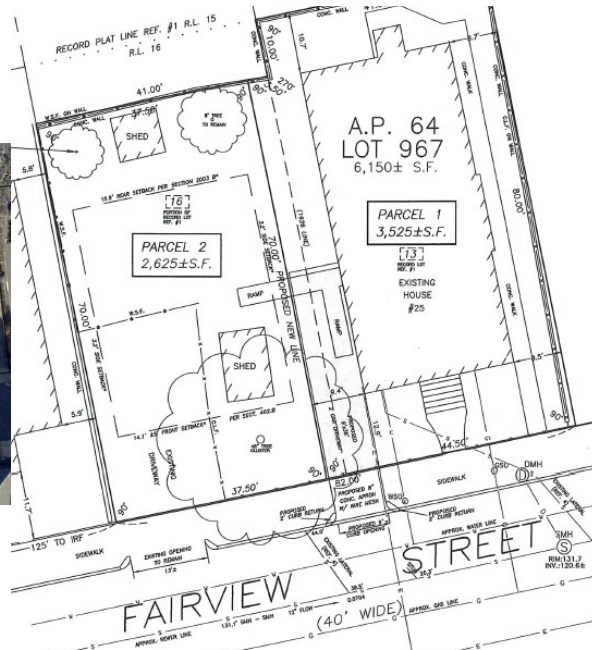
August 18, 2026



AGENDA ITEM 6 ■ 25 FAIRVIEW STREET



Aerial view of the site



Proposed subdivision



View from Fairview Street

OWNER/APPLICANT: Ayala Properties LLC

PROJECT DESCRIPTION:

The applicant is proposing to subdivide the 6,150 SF lot into two lots. One of 3,525 SF which will contain a one family dwelling (parcel 1), and a vacant lot of 2,625 SF (parcel 2), pursuant to 2003.d. Relief from the minimum lot area requirement is requested as an administrative modification requested for the area of parcel 2 received an objection.

CASE NO./ 26-062 UDR—Minor Subdivision
PROJECT TYPE: with Unified Development Review

PROJECT LOCATION: 25 Fairview Street
AP 64 Lot 967
R-3 zoning district

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Mt Pleasant

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot is an irregularly shaped polygon with uneven lengths occupied by a single family dwelling measuring 6,150 SF in the R-3 zone. The applicant is proposing to subdivide the lot into two lots, one of 3,525 SF which will contain the dwelling (parcel 1) and a vacant lot measuring 2,625 SF (parcel 2) pursuant to section 2003.d of the ordinance. A minimum lot size of 5,000 SF and width of 50' is required for new lot subdivisions in the R-3 zone. However, section 2003.d allows for subdivision into nonconforming lots with a minimum area of 3,000 SF and lot width of 30' where it is documented in a plat book that one or more nonconforming lots previously existed. A plat map from 1926 showing the lots maintained as two separate lots was submitted.

The applicant is seeking relief from the minimum lot area requirement as an administrative modification for the area of parcel 2 was applied for but received an objection.

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 uniquely shaped as it is a polygon with uneven lengths. At 6,150 SF, the lot has sufficient area for two 3,000 SF lots permitted under section 2003.d. Based on the submitted plan, the applicant would be able to meet the 3,000 SF minimum lot area requirement if not for the location of the existing house. The vacant lot must be less than 3,000 SF to meet the required 6' setback. Relief is being sought as a 15% administrative modification for the lot area of parcel 2 was objected to.

2. *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, which is not intended to be parcel specific, 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 plan notes that some areas may contain residential development at higher but appropriate densities. The resultant density of the subdivision will not exceed what is permitted by the ordinance on 6,150 SF of lot area pursuant to 2003.D. Based on a review of the zoning map, the layout of the lots would be similar to what exists in the vicinity. Therefore, the subdivision will conform to the general character of the area and will not impair the intent of the comprehensive plan.

3. *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 into how it was previously platted, as permitted by the ordinance, which would amount to more than a mere inconvenience.

ACTION—Dimensional Variance

Based on the foregoing discussion, the DPD recommends that the CPC approve the requested relief.

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 the Providence Comprehensive Plan 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 6,000 SF with some areas of higher density. 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 land uses in the surrounding neighborhood and the land use pattern envisioned by the plan. Objective LU3.I encourages creation of undersized lots to unmerge previously merged lots.

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-3 zone require a minimum lot size of 5,000 SF with 50' of frontage. The subdivision will conform to the ordinance pursuant to section 2003.D and subject to the CPC granting the requested dimensional relief.

The applicant is required to remove any accessory structures and excess paving depicted on the plan prior to final approval to conform to the zoning ordinance. The applicant shall apply for a zoning certificate of compliance (ZCFC) to document the changes, which shall be submitted with the final plan. The plan indicates a significant tree in the vicinity of parcel 2. The applicant shall not remove or disturb the tree without the permission of the City Forester. Failure to do so will result in a zoning violation.

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 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 Fairview Street. The applicant is required to install the curb cut providing access to parcel 1 depicted on the plan prior to final approval.

ACTION—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 and subject to the following conditions:

- The applicant shall obtain a ZCFC documenting removal of the accessory structures and excess paving on Parcel 2 prior to submitting for final plan approval.
- The applicant shall install a curb cut to provide access to parcel 1 as depicted on the plan prior to final approval.