

DISCUSSION—Dimensional Relief

The subject lot is a corner lot with frontage on Windmill and Jasper Streets and measures approximately 15,320 SF, and is occupied by a one family dwelling. The applicant is proposing to subdivide the lot into two lots of approximately 5,000 SF and 10,320 SF with the residence on the larger lot. The applicant is seeking relief from the rear yard setback requirement in Section 402 of the ordinance, and for multiple curb cuts in Section 1407.B pursuant to Unified Development Review (UDR). A rear yard setback of 30' is required but one of approximately 10'2" is proposed for the existing structure. The subdivision will result in multiple curb cuts on the newly created lot on Windmill Street.

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 it is a corner lot with an existing house that maintains a deep front setback. The shape of the lot and the layout of the house fronting on Windmill Street require the new lot line to jog around the house, and requires removal of a porch in order to provide the 5,000 SF of lot area necessary for a new lot. This results in a 10' setback, as the 30' setback cannot be maintained while providing the minimum lot area for the new lot.

The applicant has requested relief for the number of curb cuts on lot B, which will contain the existing house as a portion of the existing driveway on Jasper Street will also be located on the lot after subdivision. This can also be attributed to the unique character of the lot as the subdivision requires the lot line pass through the driveway to meet the required width and lot size requirements. The Jasper Street driveway is intended to provide access to new Lot A, and is not expected to intensify the use of lot B beyond what exists.

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 can otherwise meet the minimum lot size and width requirements.

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 subdivision will result in two lots that are of a similar size and width as those observed in the vicinity, therefore, a negative effect on neighborhood character is not expected. The rear yard setback is not expected to negatively affect neighborhood character as it would only relate to construction on the new lot. Granting of the relief will not affect conformance with any other dimensional requirements.

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 and for multiple curb cuts on the same lot.

FINDINGS—Minor Subdivision

Section 1005 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings as part of their approval of subdivisions. 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 one family dwellings on separate lots. The lots created through the subdivision would conform to the neighborhood's character and result in the development 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 rear yard setback requirement and multiple curb cuts 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.*

The applicant is required to demolish the portion of the porch that will intersect with the lot line. Upon removal of the porch, there will be no constraints that affect the lot's 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 Windmill and Jasper 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 conditions:

1. The applicant shall demolish the portion of the porch that will intersect with the newly created lot line.
2. Final plan approval should be delegated to DPD staff.