

DISCUSSION—Dimensional Relief

The subject corner lot measures approximately 7,114 SF and is occupied by two two-family dwellings in the R-3 zone separated by a deck accessed from stairs originating from Hawkins Street. The applicant is proposing to subdivide the lot into two lots of approximately 4,688 SF (Lot 1) and 2,446 SF (Lot 2) with respective widths of approximately 44'5". The building on lot 1 will front on Hawkins Street and lot 2 will front on Yorkshire Street. The lot is proposed to be subdivided by creating a lot line between the buildings that originates on Hawkins Street, travels northward, then eastwards, terminating at Yorkshire Street. The applicant is seeking relief from the following pursuant to Unified Development Review (UDR).

- Minimum Lot area where 5,000 SF is required for new subdivisions but 4,688 SF and 2,446 SF are proposed.
- Lot width where 50' is required but widths of 44.46' and 44.47' are respectively proposed for lots 1 and 2.
- Interior side setback for lots 1 and 2 where 6' is required but 1.2' is proposed for lot 1 and 2.2' is proposed for lot 2.
- Rear yard setback and the rear yard impervious coverage requirement for lot 2 where 30' is required but approximately 6.4' will be provided and no pervious coverage will be provided in the rear yard.
- Relief from the maximum front yard impervious coverage for lot 1 where no pervious surface will be provided in the front yard.

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 occupied by two dwellings that are at a higher grade than the adjoining street. 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, setback and width requirements based on the lot's size and configuration. The front yard of lot 1 is paved as the house is cantilevered over it and provides access to the ground floor. The rear yard for lot 2 is occupied by stairs that provide access to the site from Yorkshire Street. 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, rear yard setback, and front and rear yard impervious coverage requirements.

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 the requested relief. The plan indicates that the applicant will remove areas of impervious coverage in the rear and side yards of lots 1 and 2. Replacing these areas with grass will offset the excess rear and front yard paving on both lots and bring the lots into conformance with the total maximum impervious coverage requirement.

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 DPD is concerned that the proposed side setbacks between both buildings could trigger issues of compliance with the building code related to fire rating of the walls and proximity of wall openings. The applicant should determine compliance with the building code prior to final plan approval. 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 Hawkins Street and Yorkshire Street.

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 remove the impervious surface depicted on the plan and document the changes prior to final plan approval.
2. The applicant shall remedy any building code issues related to the side yard setback, either through improving the fire rating of the walls or obtaining relief from the building board of review.
3. Final plan approval should be delegated to DPD staff.