

Providence City Plan Commission

August 20, 2024



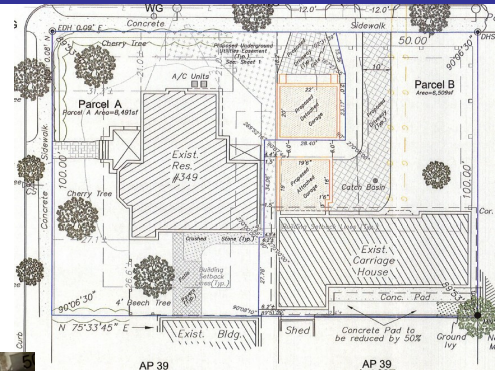
AGENDA ITEM 5 ■ 349 WAYLAND AVE



View of the lot from Wayland Ave



Aerial view of the site



Proposed subdivision

OWNER/APPLICANT: Lofty Ambitions LLC

PROJECT DESCRIPTION: The subject lot measures approximately 15,000 SF and is occupied by a single family dwelling and a carriage house that the applicant is proposing to subdivide into two lots of approximately 8,491 SF and 6,509 SF with each structure on a separate lot. Pursuant to Unified Development Review (UDR) the applicant is seeking relief from the rear and side yard setback requirements.

CASE NO./PROJECT TYPE: 24-043 UDR—Minor Subdivision with Unified Development Review

PROJECT LOCATION: 349 Wayland Ave
AP 39 Lot 187

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Wayland

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot is a corner lot with frontage on Wayland and Lloyd Aves and measures approximately 15,000 SF. It is occupied by a one family dwelling and a carriage house. The applicant is proposing to subdivide the lot into two lots of approximately 8,491 SF and 6,509 SF with the residence on the larger lot (Parcel A) and the carriage house—which is proposed for development as a single family dwelling—on the other (Parcel B). Wayland Ave has been designated as the front yard for the house and Lloyd Ave will serve as the front yard for the carriage house. An attached garage is proposed for the carriage house and a detached garage that will be accessed from Lloyd Ave is proposed for the existing residence.

Per the survey, the buildings will be separated by a lot line originating from the southerly lot line, moving northwards and then jogging to the east to accommodate a proposed detached garage, before terminating at the northerly lot line. This will be considered the interior side lot line for the dwelling on parcel A. Per section 202.O.4 of the zoning ordinance, the rear yard setback for corner lots extends between the interior side lot line to the required corner side setback measured perpendicular to the rear lot line. The carriage house is proposed for use as a single family dwelling oriented toward Lloyd Ave, which would render the southerly lot line, which was previously considered a side lot line, as the rear lot line. Based on this configuration, the applicant is seeking relief from the following pursuant to UDR:

- For Parcel A, the existing 1.5' distance from the roof overhang of the existing dwelling to two (2) new interior side lot lines, where a 6' side setback would be required.
- The rear yard setback from the new rear lot line for the house on parcel B where 2.4' feet is proposed but 30' is required.
- The distance from the carriage house and proposed attached garage on parcel B to the side lot line, where 4.4' is proposed for the attached garage, 4.5' is existing for the carriage house, and a 6' side setback would be required.
- For Parcel B, the existing 2.39' distance from the roof overhang of the existing carriage house to the new side lot line, where a 6' side setback would be required.

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 is in proximity to a carriage house that can be used as a separate dwelling. The shape of the lot and the building layout require the new lot line to be located between both buildings in order to subdivide the lot. This results in the conditions required for relief as described above. These conditions are not connected to a 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, 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 relief requested pertains to existing structures, and is not relative to neighboring property. Relief for the rear and side yard setback on parcel B is for existing setbacks intended to recognize the change in the building's orientation.

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 side and rear yard setback for both lots as described.

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 the requested relief, 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.*

It is the DPD's opinion that the proposed setback of 1.5' from the existing house could require compliance with building code related to the fire rating of the wall and location of openings. Relief from the building board may be required to maintain the condition as proposed.

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 Wayland and Lloyd Ave.

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 comply with the building code for the proximity of the side yard setback to the house on parcel A prior to final plan approval.
2. Final plan approval should be delegated to DPD staff.