

Providence City Plan Commission

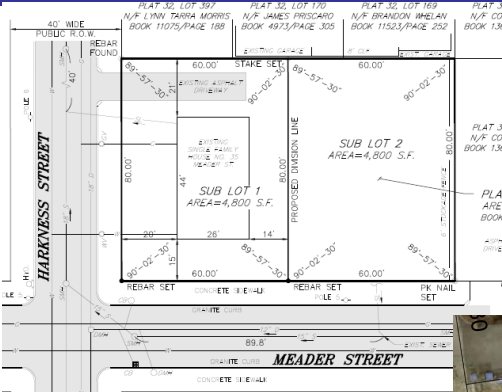
August 20, 2024



AGENDA ITEM ■ 35 MEADER STREET



View of the lot from Meader Street



Proposed subdivision



Aerial view of the site

<p>OWNER/APPLICANT:</p>	<p>Dan Hornby c/o 133 Courtland Street LLC</p>	<p>PROJECT DESCRIPTION:</p>	<p>The applicant is proposing to subdivide the lot which measures approximately 9,600 SF into two lots of 4,800 SF each. Pursuant to unified development review, the applicant is seeking relief from the minimum lot size requirement of 4,800 SF and the rear yard setback requirement where 30' is required but 14' will be provided.</p>
<p>CASE NO./PROJECT TYPE:</p>	<p>24-047 UDR—Minor Subdivision with Unified Development Review</p>		
<p>PROJECT LOCATION:</p>	<p>35 Meader Street AP 32 Lot 171 R-3 zoning district</p>	<p>RECOMMENDATION:</p>	<p>Approval of preliminary plan and dimensional variances</p>
<p>NEIGHBORHOOD:</p>	<p>Federal Hill</p>	<p>PROJECT PLANNER:</p>	<p>Choyon Manjrekar</p>

DISCUSSION—Dimensional Relief

The subject lot is a corner lot occupied by a dwelling oriented to Harkness Street with the side yard on Meader Street. The applicant is proposing to subdivide the 9,600 SF lot into two lots of 4,800 SF. The dwelling will remain on lot 1 with lot 2 vacant. Relief from the minimum lot size requirement is requested where a minimum area of 5,000 SF is required. The applicant is also seeking relief from the rear yard setback requirement in Section 402 of the ordinance where 30' is required for the dwelling but 14' is proposed for the existing dwelling.

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. The shape of the lot and its layout require that the new lot line be located at a distance of 14' from the house to create two equally sized lots. The lot's size of 9,800 SF also renders it unique as it is within 15% of the minimum lot area required for a subdivision, which makes it eligible for an administrative modification for lot area. 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, which can otherwise meet the minimum lot size requirement through administrative modification.

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 larger width than 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 not affect the function of the existing house or conformance with any other zoning criteria. 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 the rear yard setback.

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 medium density residential development. These areas are intended for residential uses characterized by one to three family dwellings on separate lots that measure between 3,200-5,000 SF. 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 minimum lot size and rear yard setback requirements 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.*

There are no constraints to development as the subdivision will result in two developable lots subject to granting the requested relief.

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 Meader and Harkness 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.