

Providence City Plan Commission

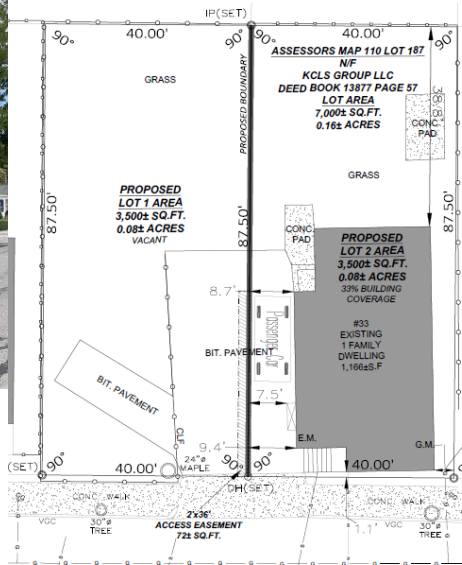
October 15, 2024



AGENDA ITEM 4 ■ 33 MURRAY STREET



View of the lot from Murray Street



Proposed subdivision



Aerial view of the site

OWNER/APPLICANT: KCLS Group LLC

PROJECT DESCRIPTION: The applicant is proposing to subdivide the lot which measures approximately 7,000 SF into two lots of 3,500 SF. Pursuant to unified development review, the applicant is seeking relief from the minimum lot size requirement, minimum lot width and front yard impervious coverage requirement.

CASE NO./PROJECT TYPE: 24-040 UDR—Minor Subdivision with Unified Development Review

PROJECT LOCATION: 33 Murray Street
AP 110 Lot 187
R-3 zoning district

RECOMMENDATION: Denial of dimensional variances and preliminary plan

NEIGHBORHOOD: Silver Lake

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot measures approximately 7,000 SF, zoned R-3 and occupied by a single family dwelling. The applicant is proposing to subdivide the lot into two lots of 3,500 SF with widths of 40'. The applicant is seeking relief from the minimum lot size requirement of 5,000 SF and lot widths of 50' for new subdivisions. Relief from the front yard impervious coverage requirement is also required where 33% is permitted but 39% is proposed on lot 1 and 82% is proposed on lot 2.

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 larger than the 5,000 SF minimum lot size requirement but is not particularly unique as lots of 5,000 SF or more can be observed in proximity to the lot and in the general vicinity. Lots 185, 189 and 470 are 7,000 SF and abut the subject lot and lot 218 on the same block measures 10,500 SF. Lot 195 on Murray Street and lots 459 and 215 on Moorefield Street also measure 7,000 SF. The DPD cannot find the lot to be unique given the number of similarly sized lots in the neighborhood. A hardship is not apparent as R-3 zoning provides for different development options for the site including adding to the existing dwelling, rowhouses and an accessory dwelling unit.

2. *That the hardship is not the result of any prior action of the applicant.*

As discussed, there is no observable hardship in connection with the requested relief.

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.*

As a hardship is not evident, granting the variance would not be in conformance with the comprehensive plan.

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.*

As discussed, the applicant has multiple options for developing the lot and does not suffer from a hardship.

RECOMMENDATION—Dimensional Variance

Based on the foregoing discussion, the DPD recommends that the CPC deny the requested relief finding that the property is not unique and that the applicant does not suffer a hardship.

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 lot is located in an area intended for medium density residential development characterized by one to three family dwellings on lots that measure between 3,200 to 5,000 SF. However, that description pertains to development on existing lots and the zoning ordinance requires 5,000 SF for new subdivisions. Objective LU3.A.1 of

the comprehensive plan encourages development that is consistent with residential character by allowing for residential development of the same density as what exists. The subdivision is not in conformance with the comprehensive plan as it would not conform to this criteria.

2. *Compliance with Zoning Ordinance—The proposed development is in compliance with the standards and provisions of the Zoning Ordinance.*

The subdivision will not conform to the zoning ordinance if zoning relief isn't granted.

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.*

The subdivision 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 will not result in buildable lots as the subdivision does not meet the criteria for zoning 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.*

The lot can be accessed from Murray Street.

RECOMMENDATION—Minor Subdivision

Based on the above analysis and findings, the CPC should vote to deny the preliminary plan.