

Providence City Plan Commission

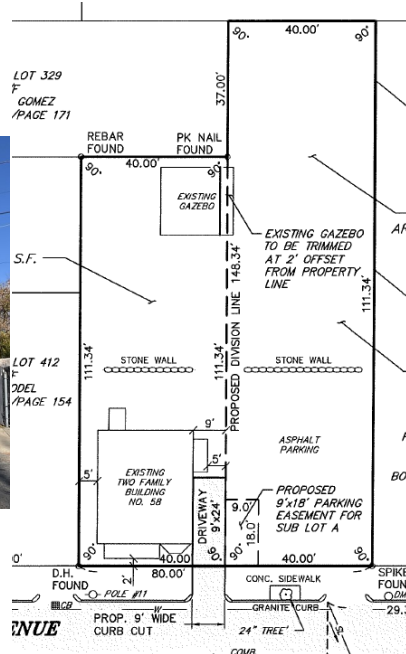
November 19, 2024



AGENDA ITEM 3 ■ 58 PRUDENCE AVE



View of the lot from Prudence Ave



Proposed subdivision



Aerial view of the site

OWNER/APPLICANT: Carlos Chicas

PROJECT DESCRIPTION:

The applicant is proposing to subdivide the lot which measures approximately 10,388 SF into two lots of 5,934 SF and 4,454 SF each with widths of 40'. Pursuant to unified development review, the applicant is seeking relief from the minimum lot size and width requirements of 5,000 SF and 50' of width for new subdivisions.

CASE NO./ 24-066 UDR—Minor Subdivision
PROJECT TYPE: with Unified Development Review

PROJECT LOCATION: 58 Prudence Ave
 AP 110 Lot 475
 R-3 zoning district

RECOMMENDATION: Approval of preliminary plan and dimensional variances

NEIGHBORHOOD: Silver Lake

PROJECT PLANNER: Choyon Manjrekar

DISCUSSION—Dimensional Relief

The subject lot is zoned R-3 and occupied by a two family dwelling oriented to Prudence Ave. The applicant is proposing to subdivide the 10,388 SF lot into two lots of 4,454 SF (Lot A) and 5,934 SF (Lot B) with widths of 40'. The dwelling will remain on proposed lot A with lot B vacant. Relief from the minimum lot size and lot width requirements are requested where a minimum area of 5,000 SF and width of 50' is required for new subdivisions.

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 unevenly shaped with varying length and width. The lot's length measures 148.34' at the easterly lot line and 111.34' at the west. A width of 80' is maintained at the front lot line on Prudence Ave but the rear is unevenly laid out with 40' at the rear, turning 37' south and extending 40' to the west. The area of 10,388 SF can yield two lots of 5,000 SF, but the size difference between proposed lots occurs due to the difference in length on either side. The size of lot A is within 15% of the minimum which would make it eligible for an administrative modification. The lot's width of 80' does not allow for the minimum width of 50' for which relief is required. 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 larger in area, and of a similar width as most lots observed in the vicinity. Therefore, a negative effect on neighborhood character is not expected as it would not affect the function of the existing house or conformance with any other zoning criteria or 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 and lot width requirements.

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.*

Two parking spaces are required for the existing two family on sub lot A. One parking space will be provided on the lot and the second is proposed on lot B. The applicant is required to file a lien to use the space on lot A to meet the parking requirement per section 1404.A of the ordinance. The plan indicates that a gazebo will be trimmed to maintain a 2' setback from the newly created lot line. However, a minimum setback of 3' is required per section 1302.A of the ordinance and the setback of the gazebo must be brought into conformance with the ordinance. The plan indicates that there is no impervious surface coverage in the front yard, in fact the entire front yard of both lots is impervious. The applicant is required to bring the site into conformance with the front yard impervious surface coverage requirement prior to final plan submission. The subdivision will conform to the ordinance subject to the CPC granting relief from the minimum lot size and lot width requirements as the development will conform to other dimensional and use requirements.

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 Prudence 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 file a lien for the parking space on sub lot A to meet the parking requirement for the existing dwelling.
2. The gazebo shall not encroach more than three feet from the new lot line and the compliance shall be documented with the final plan submission.
3. The applicant shall remedy the condition of the front yard impervious surface coverage requirement for both lots.
4. Final plan approval should be delegated to DPD staff.