

CITY PLANNING DEPARTMENT



Memorandum – Unified Development Review

To: City Plan Commission
From: Jonas U. Bruggemann, MSCRP | Senior Planner
Date: March 26, 2025 – Amended March 31, 2025
RE: South Auburn Replat Record Plat Lot Nos. 235-238 (14 Dale Avenue)
Application for Minor Subdivision with Dimensional Zoning Relief

Owner: Amir Kattan
Applicant: Robert E. Moll
Location: 14 Dale Avenue
Parcels: Assessors Plat 12, Lot 97
Zoning: A-6 – Residential single-family dwellings (6,000 sq. ft.)
FLUM Designation: Single Family Residential Less than 7.26 To 3.64 Units Per Acre

I. Applicant | Property | Proposal

The subject property is in the South Auburn neighborhood, at 14 Dale Avenue. It is identified Assessors Plat 5, Lot 1375. There is a single-family residence built around 1904, located off-center on the lot.

The Proposal is to subdivide the lot in half, resulting in the creation of two (2) 4,750 square foot lots with 50' of frontage. On the proposed newly created lot, the project proposes the construction of a single-family home.

This project requires relief from dimensional requirements for a replat and residential development project in the A-6 zone (17.20.120 – Schedule of Intensity Regulations, 17.92.010 – Variances). Both lots are proposed to have less than the required 6,000 sq. ft lot size and 50' of frontage where 60' are required. Additionally, the existing house is proposed to be 6ft from the new lot line where 8ft are required. The front setback of the existing house is less than the required 25ft setback. This setback is pre-existing non-conforming and therefore will not require a variance.

Relief from 17.20.120 - Schedule of intensity regulations:

	Lot	Lot Area (sq. ft.)	Lot Width & Frontage (ft.)	Front (ft.)	Rear (ft.)	Side (ft.)
A-6 (1-family) Required		6,000	60	25	20	8
Existing 1 family		4,750	50	<25 (existing)	>20	6
Proposed 1 family		4,750	50	25	20	8

II. Documents Submitted for This Application

1. Minor Subdivision Preliminary Plan Application and Checklist prepared and signed by Robert E. Moll; dated February 5, 2025.
2. Project Narrative and Neighborhood Analysis prepared by Robert D. Murray, Esq. February 28, 2025
3. Class 1 Boundary Survey and Subdivision Plan entitled "South Auburn." Prepared by Patricia A. Kelly, Registered Professional Land Surveyor, of Kelly Land Services, Inc.; dated March 5, 2025.

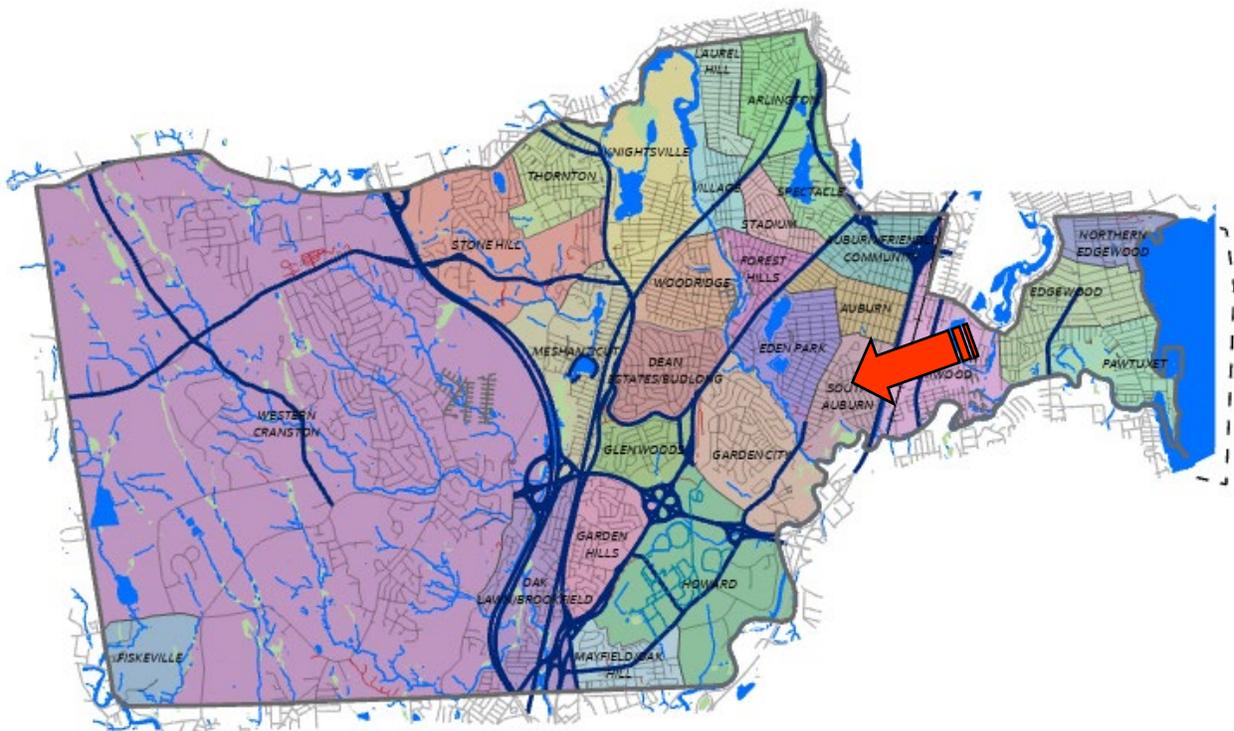
- a. Minor Subdivision Application Fee of \$455.00 for pre-application and preliminary plan; both dated March 6, 2025
4. Municipal Lien certificate for issued October 29, 2024 and receipt from the City of Cranston for the balance due on 10/29/2024
5. Abutter Documentation
 - a. 400' Abutters List printed on January 31, 2025
 - b. 400' Abutters Map printed January on 31, 2025
6. An affidavit certifying mailing of 400' abutter notices; sent on March 11, 2025
7. Sewer Availability Letter, Veolia Water; dated March 13, 2025 – Received March 27, 2025
8. Water Availability Letter, Providence Water; dated March 28, 2025 – Received March 28, 2025

III. Surrounding Land Use & Context

Analysis using the Cranston Geographic Information System and the FEMA Flood Map Service Center indicates that:

1. The subject property is located on the easterly side of Dale Avenue.
2. The surrounding area in South Auburn is zoned A-6.
3. The subject property is one of a handful lots with over 8,000 sq ft and where the existing structure is situated close to one of the lot lines, leaving an open space with frontage to locate a new home.
4. There are 101 lots with single-family homes within 400', 43 of them are on 4,750 sq ft lots or less.
5. The subject property is outside of any identified historic / cultural districts under jurisdiction of the Local Historic District Commission, State Historical Preservation Commission, State, or National Registers of Historic Places.
6. The subject property is identified as “Zone X – Area of Minimal Flood Hazard” on and outside of any regulated floodplain or flood hazard districts.

LOCATION MAP

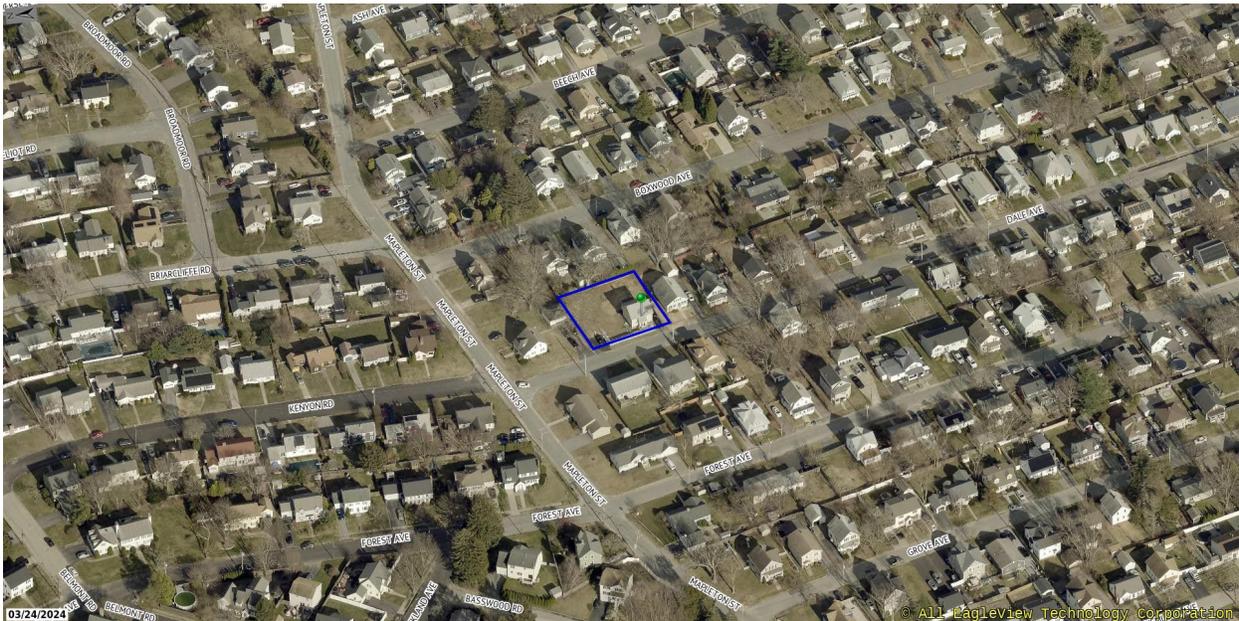


AERIAL PHOTO



(Source: RIGIS, March 2024)

OBLIQUE AERIAL PHOTO



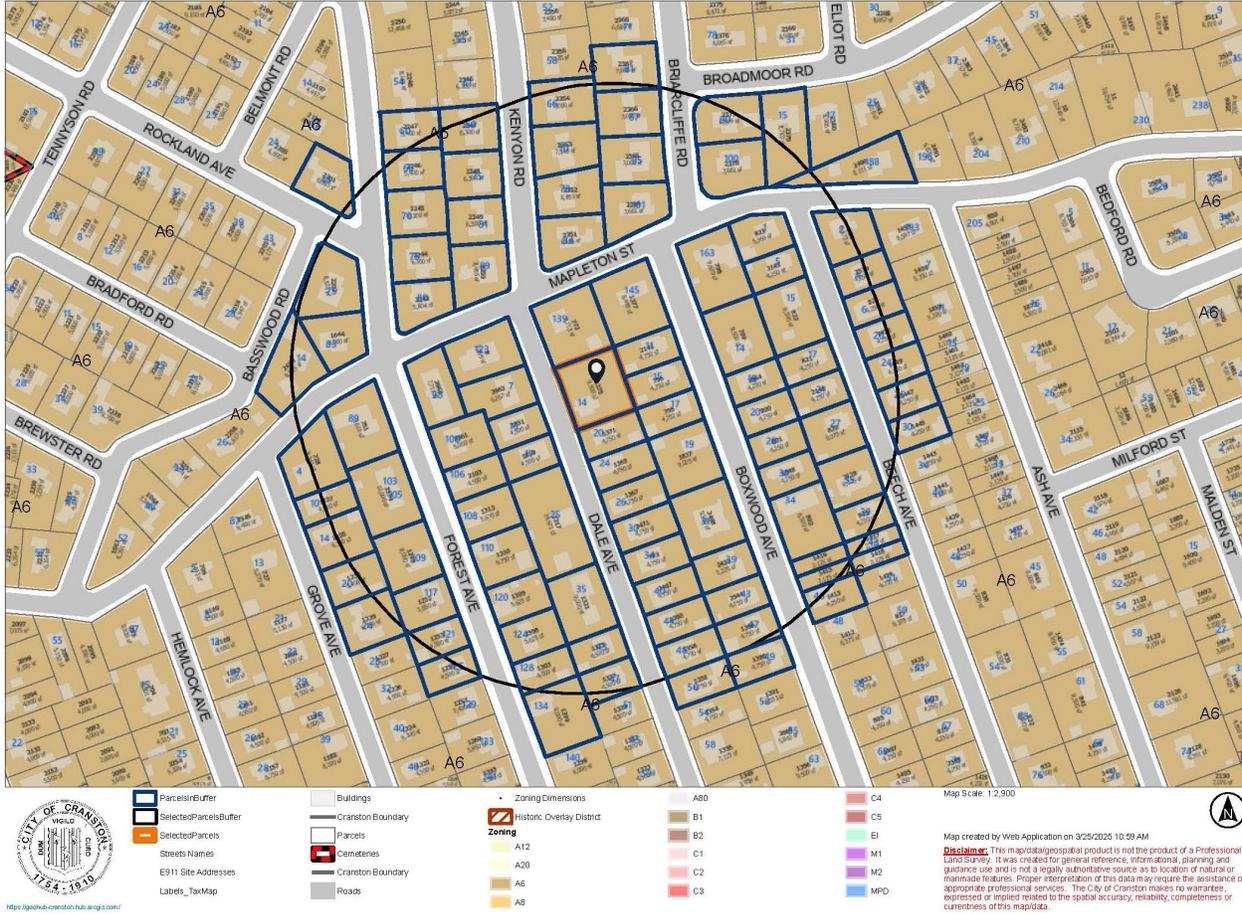
(Source: Eagleview, March 24, 2024)

STREET VIEW

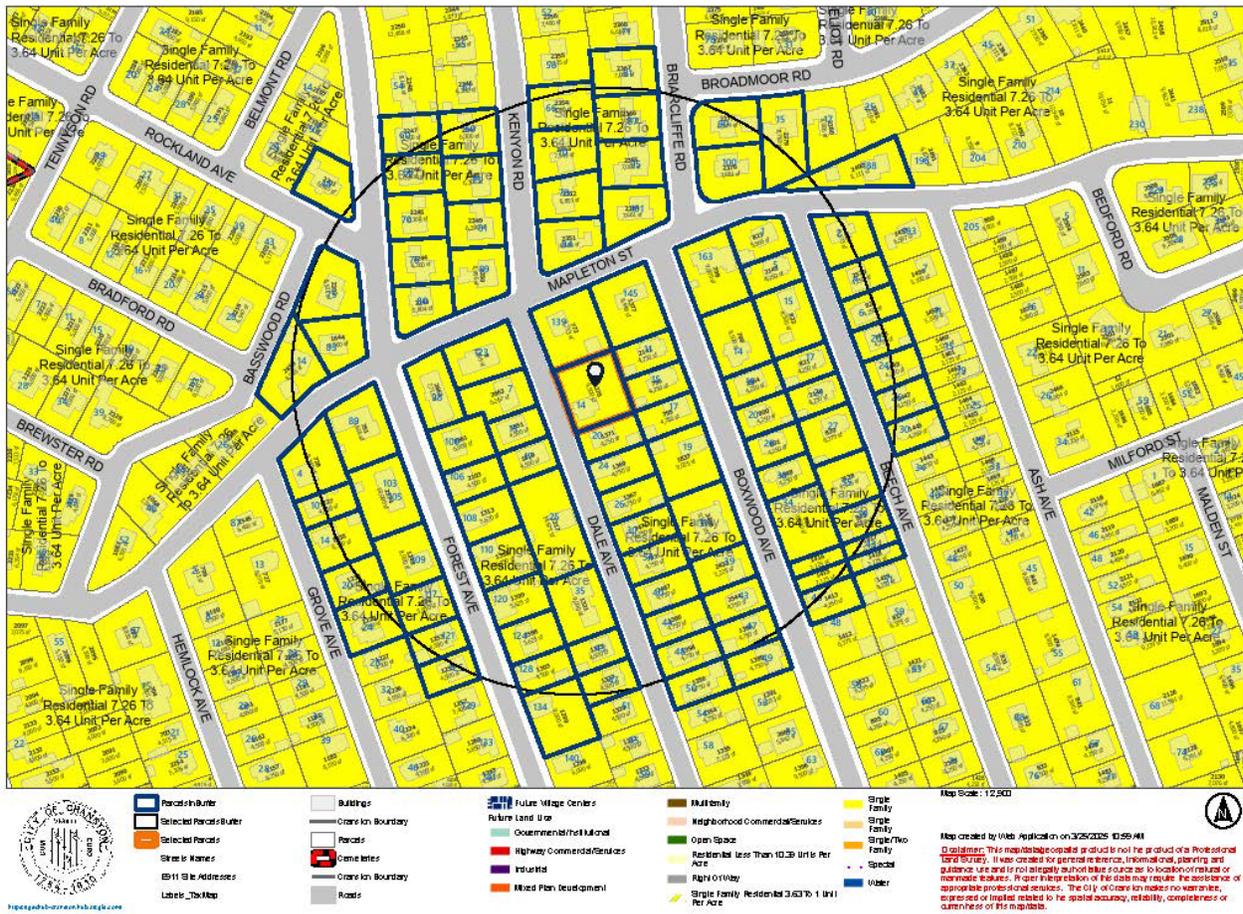


View of subject property from Dale Avenue (Source: Google Street View, October 2022)

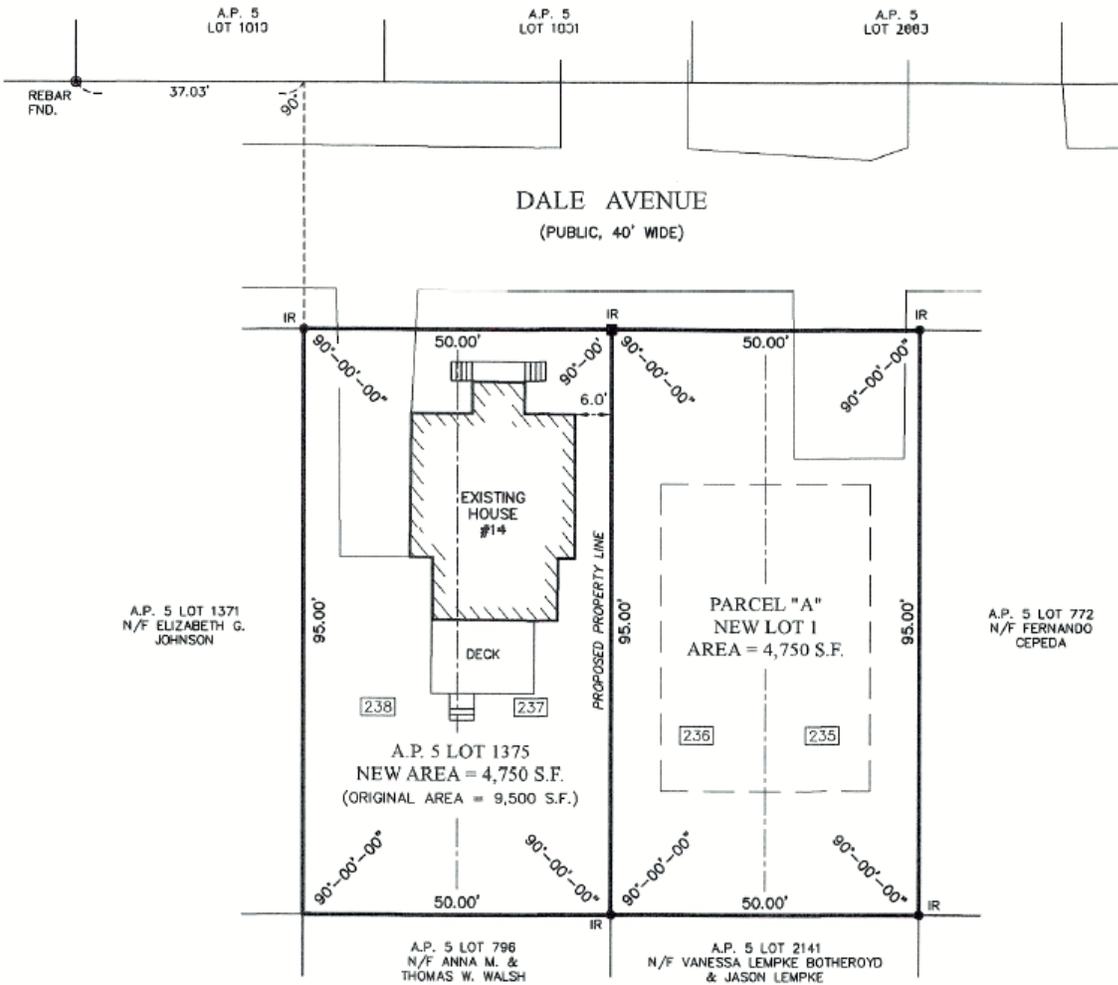
ZONING MAP



FUTURE LAND USE MAP



PROPOSAL



IV. Municipal Review

Pursuant to RIGL §45-23-37, these Plans and submitted documents were distributed for comment to the following agencies.

1. Department of Public Works
 - a. Engineering Division: Acting Director of Public Works, Frank Corrao, P.E., recommended the installation of concrete curbing along Dale Avenue to “keep drainage in the street and avoid any potential erosion issues in the future.” He would not require sidewalks on the property as there are no sidewalks on the opposite side of the street and isolated sidewalks on the same side.
 - b. Traffic Safety Division: no comments provided.
 - c. Sewer Division/Veolia Water: no comments provided. **Sewer Availability Letter confirms that sewer service is available for the new proposed lot.**
2. Department of Building Inspection & Zoning Enforcement
 - a. David Rodio, Building Official: no comments provided.
 - b. Stanley Pikul, Alt. Building Official: no comments provided.
3. Fire Department: Mr. Armand Niquette, Fire Marshal, no comments provided.

V. Planning Analysis

Consistency with the surrounding Area

- Staff has reviewed this Application in consideration of the compatibility with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
 - The surrounding area in South Auburn consists of primarily of single-family residences, with a few two- and three-family residences among them.
 - There are 90 lots with single-family homes within 400'; 39 of them (43%) are on 4,750 sq ft lots or less.
 - On Dale Avenue itself, 28 of the 35 single-family homes (80%) are on lot sizes of 4,750 sq ft or less.
 - 50' of frontage is common for single-family homes in this neighborhood and is in line with the sliding scale established for substandard lots of record.

Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as Single-Family Residential Less than 7.26 To 3.64 Units Per Acre
 - Per the Comprehensive Plan, the A-6 zoning district is an appropriate zoning classification for single-family residential units.
 - The proposed subdivision and new home would increase the density on A-6 zoned lots within 400' from 8.2 to 8.25 units per acre, an increase of 0.6%. The density of the area already exceeds the density established by the Future Land Use Map. The proposal would create a negligible increase in that density.
- The proposed use of single-family residential is consistent with the FLUM designation.
- Staff finds that the proposed density is not consistent with the Future Land Use Map designation, however the existing density of the area already exceeds that designation. Provided Housing Policy 5.2 and Land Use Action LU-29 state that zoning should match the existing neighborhoods and unit types, the underlying zoning and therefore the FLUM designation which is in line with the underlying zoning (7.26 units per acre = 1 unit on 6,000 square feet) does not accurately represent the existing neighborhood and is in conflict with the Goals, Policies, and Actions of the Comprehensive Plan.
- The Comprehensive Plan outlines goals, policies, and action items pertaining to residential development which Staff find support the approval of this Application, specifically:
 - Housing Goal 4: Promote housing opportunity for a wide range of household types and income levels.
 - Housing Policy 4.1: Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.
 - Housing Policy 5.2: Review zoning for existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built.
 - Goal LU-6: Protect and stabilize existing residential neighborhoods.
 - Policy LU-18: Preserve the existing density of established neighborhoods.
 - LU-28: Protect and stabilize existing residential neighborhoods by improving roadway conditions.
 - LU-29: Protect and stabilize existing residential neighborhoods by making zoning conform to existing uses.

VI. Interests of Others

None to report.

VII. Additional Matters

None to report.

VIII. Waivers

None to report.

IX. Findings of Fact:

An orderly, thorough, and expeditious staff review of this Preliminary Plan has been conducted. Property owners within a 400' radius have been notified via certified mail and the meeting agenda has been properly posted.

A. Unified Development Review

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL §§ 45-23-50.1(b)(1), 45-24-41(d), 45-24-41(e)(2), and 45-24-46.4(f), as well as Section VII of the Subdivision & Land Development Regulations and finds as follows:

The Applicant has submitted the following response to the required Findings of Fact in accordance with RIGL § 45-24-41:

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;

The hardship is not the result of any prior action of the applicant and;

The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance codified in this title or the comprehensive plan upon which the ordinance is based.

That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that the relief sought is minimal to the reasonable enjoyment of the permitted use to which the proposed property is devoted.

SUMMARY

The dimensional relief sought is minimal, reasonable in nature and will create an additional dwelling unit for housing purposes. The 4,250 square foot lot size is found predominantly in the general vicinity of the proposed house.

Staff has reviewed the requested dimensional relief for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-24-41 and finds as follows:

RIGL § 45-24-41. General provisions – variances. (d)(1) states, “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 § 45-24-30(a)(16);”

- Staff note that the location of the single-family home off center on the lot is consistent with plans to add a second house at a future time.

RIGL § 45-24-41. General provisions – variances. (d)(2) states, “That the hardship is not the result of any prior action of the applicant.”

- There do not appear to be any prior actions by the applicant that would have resulted in hardship.

RIGL § 45-24-41. General provisions – variances. (d)(3) states, “That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.”

- This area of South Auburn is a walkable traditional neighborhood with a mix of housing types. The proposal for 14 Dale Avenue is in keeping with the neighborhood density and character. The proposed use is consistent with the Future Land Use Map designation, but the proposed density exceeds the density prescription of the FLUM designation of Single-Family Residential Less than 7.26 To 3.64 Units Per Acre. However, the existing density in the area already exceeds this density designation and the proposal would only provide a negligible increase to that density. As the underlying zoning and the FLUM designation is not in line with the existing uses and density of the area, the FLUM designation is in conflict with the Goals, Policies, and Actions of the Comprehensive Plan which provide that the zoning should match the existing uses and dimensions of the area.

RIGL § 45-24-41. General provisions – variances. €(2) states,” In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.”

- Staff note that the variances and subdivision are required to allow an additional home to be built on the property.

B. Subdivision & Land Development Review

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-23-60 as well as the Subdivision & Land Development Regulations and finds as follows:

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

- The proposed use of single-family residential is consistent with the FLUM designation of Single-Family Residential Less than 7.26 To 3.64 Units Per Acre.
- The proposed density is not consistent with the Future Land Use Map designation, however the existing density of the area already exceeds that designation. Provided Housing Policy 5.2 and Land Use Action LU-29 state that zoning should match the existing neighborhoods and unit types, the underlying zoning and therefore the FLUM designation which is in line with the underlying zoning (7.26 units per acre = 1 unit on 6,000 square feet) does not accurately represent the existing neighborhood and is in conflict with the Goals, Policies, and Actions of the Comprehensive Plan.
- The following goals, policies, and action items of the Comprehensive Plan support the approval of this Application:
 - Housing Goal 4: Promote housing opportunity for a wide range of household types and income levels.
 - Housing Policy 4.1: Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.

- Housing Policy 5.2: Review zoning for existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built.
- Goal LU-6: Protect and stabilize existing residential neighborhoods.
 - Policy LU-18: Preserve the existing density of established neighborhoods.
 - LU-28: Protect and stabilize existing residential neighborhoods by improving roadway conditions.
 - LU-29: Protect and stabilize existing residential neighborhoods by making zoning conform to existing uses.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance.”

- Staff notes that this Proposal requires and seeks dimensional zoning relief for which if granted, will establish compliance with the Zoning Ordinance.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.”*

- This finding pertains to the final plan, but no significant negative environmental impacts from the proposed development are predicted.
- A new single-family home on this parcel creates a new residential unit with minimal environmental impacts and where it can utilize existing urban infrastructure.
- The Proposal will be subject to all state and local regulations pertaining to environmental impacts and wetlands.
- RIDEM’s Natural Heritage Map shows that there are no known rare species located on the site.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

- The Proposal 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.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

- All proposed lots have adequate permanent physical access to an improved public city street.

X. Recommendation – Minor Subdivision

Staff finds this Proposal generally consistent with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60 and Section III(L) of the Subdivision & Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Unified Development Review of this subdivision with the following variances.

1. The newly recorded 4750 sq. ft. **Lot 1** be granted zoning relief from the required 6000 sq ft lot size, be granted relief to have 50' of frontage where 60' is required and be granted relief to have a 6' side yard setback where 8' are required.
2. The newly recorded 4750 sq. ft. **Lot 2** be granted zoning relief from the required 6000 sq ft lot size for a single-family structure and be granted relief to have 50' of frontage where 60' is required.

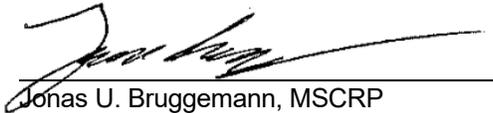
XI. Recommended Conditions of Approval

~~1. Submission of water and sewer availability letters from the respective utility providers.~~

2. The applicant shall install curbing along the frontage of the proposed lots.

Approval of the variance(s) shall be conditioned on approval of the final plan of the minor subdivision as required by RIGL § 45-23-50.1 (b)(1).

Respectfully Submitted,



Jonas U. Bruggemann, MSCRP
Senior Planner / Administrative Officer

Cc: City Planning Director
File