

CITY PLANNING DEPARTMENT



Memorandum – Unified Development Review

To: City Plan Commission
From: Brianna Valcourt, M.Arch | Senior Planner
Date: June 25, 2025
RE: 199 Gladstone Street Subdivision: 199 Gladstone Street – Assessors Plat 8/3, Lot 90
Application for Dimensional Variance

Owner: Conrado Sanchez & Dilaine Rodriguez Benitez
Applicant: Zachary Bourdony; Conley Law & Associates
Location: 199 Gladstone Street
Zoning: B-1 – Single/Two Family Residential (6,000/8,000 sq. ft.)
FLUM Designation: Single/Two Family Residential Less Than 10.89 Units Per Acre

I. Applicant | Property | Proposal

The Applicant is Conrado Sanchez, represented by Zachary Bourdony; Conley Law & Associates. The owners are Conrado Sanchez and Dilaine Rodriguez Benitez.

The subject property is the last B-1 lot on Gladstone Street before reaching the C-4 corridor on Dyer Avenue. Particularly, 199 Gladstone Street borders the C-4 lot containing Emmanuel's Bakery and Taqueria. 199 Gladstone is in the middle of the developed and historically dense Laurel Hill neighborhood, identified as Assessors Plat 8/3, Lot 90.

The property is zoned Single/Two Family Residential (B-1).

The Proposal is to reconfigure the existing one (1) existing lot into two (2) new lots for the existing residential dwelling. In this memo we refer to the proposed lots as Lot 129 and a vacant lot on Lot 132 as they were originally plated as such in the St Georges Height Plat dated 1887.

- Existing
 - Lot 90: 10,000 sq. ft.
- Proposed
 - Lot 129: 5,000 sq. ft.
 - Lot 132: 5,000 sq. ft.

Required relief includes relief from multiple dimensional requirements for a replat and residential development project in a B-1 zone (17.20.120 – Schedule of Intensity Regulations, 17.92.010 – Variances).

Relief from 17.20.120 - Schedule of intensity regulations:

- Lot 129: Minimum Land Area
 - Required: 6,000 sq. ft.
 - Proposed: 5,000 sq. ft.
- Lot 129: Minimum Width
 - Required: 60 ft.
 - Proposed: 50 ft.
- Lot 132: Minimum Land Area
 - Required: 6,000 sq. ft.
 - Proposed: 5,000 sq. ft.
- Lot 132: Minimum Width
 - Required: 60 ft.
 - Proposed: 50 ft.

II. Documents Submitted for This Application

1. Minor Subdivision – Preliminary Plan Set entitled “**Sanchez Plat**” prepared by Richard T. Bzdyra, PLS, of Ocean State Planners, Inc.; dated August 21, 2024.
 - a. Sheet 1 of 2: Preliminary Plan – Existing Conditions Survey
 - b. Sheet 2 of 2: Preliminary Plan – Minor Subdivision
2. Record Lots – Plat Map entitled “**The St. Georges Height Plat**” prepared by J.A. Latham, CE.; dated Dec, 1887.
 - a. Sheet 1 of 1: Plat Map – The St. Georges Height Plat
3. Minor Subdivision – Preliminary Plan Application, signed by Owner, Dilaine Rodriguez and Applicant, Conrado Sanchez; dated May 15, 2025.
 - a. Application Fee for \$335.00; dated May 20, 2025
4. Minor Subdivision – Preliminary Plan Checklist, prepared by Zachary Bourdony, Esq., of Conley Law & Associates; dated May 15, 2025.
5. “199 Gladstone Street Minor Subdivision & UDR Application” Project Narrative discussing hardships, prepared by Zachary Bourdony, Esq., of Conley Law & Associates; dated May 15, 2025.
6. Legal Description of Record Lots; dated August 21, 2024.
 - a. Minor Subdivision of Lot on Gladstone Street A.P. 8/3 Lot 90 – Record Lot 129
 - b. Minor Subdivision of Lot on Gladstone Street A.P. 8/3 Lot 90 – Record Lot 132
7. Abutter Documentation
 - a. 400’ Abutters List
 - b. 400’ Abutters Map
 - c. Signed affidavit certifying mailing of 400’ abutter notices; sent June 20, 2025, signed by Zachary Bourdony, Esq., of Conley Law & Associates; dated June 20, 2025.
8. Water Service Availability Certification, **submission of letter conditioned for Final Plan approval.**
9. Sewer Availability Letter, **submission of letter conditioned for Final Plan approval.**

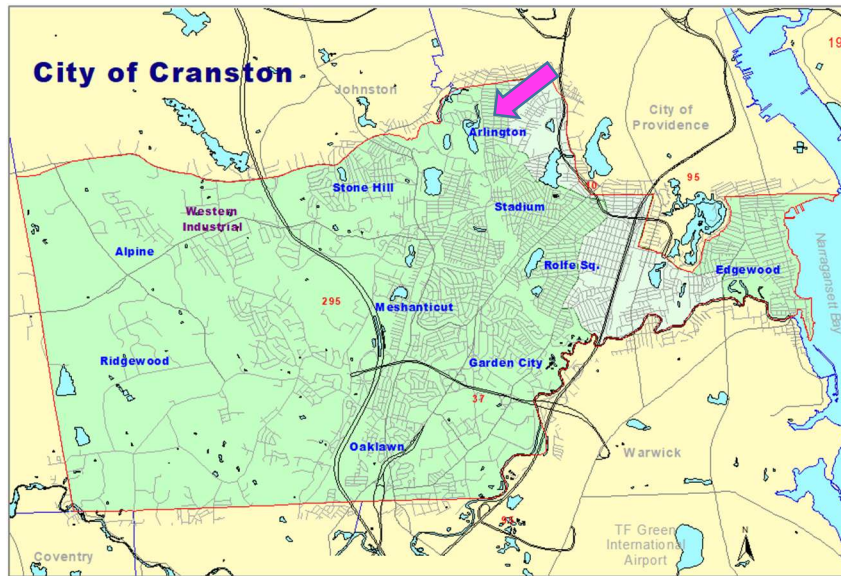
III. Surrounding Land Use & Context

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

1. The subject property is located on the eastern side of Dyer Avenue, westerly side of Laurel Hill Avenue and north of Cranston Street.
2. The surrounding area is a mixture of B-1, C-4 and C-5 land, with a majority of B-1 land stretching both northeast and southeast, and a strip of C-4 and C-5 land to the immediate west, along Dyer Avenue. Development in the area consists of Single/Two/Multi Family Residential in the B-1 zone. Development in the commercial zones contain uses including Industrial, Large Business, Mobile Home Park, Single/Two/Multi Family Residential and Apartments.
3. More than half of the two-family dwellings in the neighborhood are situated on undersized lots / lots less than 10,000 sq. ft.
 - There are (8) eight two-family homes in the 200’ radius and (7) seven of them are on lots less than 10,000 sq. ft.
 - There are (13) thirteen two-family homes in the 400’ radius and (11) eleven of them are on lots less than 10,000 sq. ft.
4. More than half of the single-family dwellings in the neighborhood are situated on undersized lots / lots less than 5,000 sq. ft.
 - There are (8) eight single-family homes in the 200’ radius and only (1) one single-family house is situated on an undersized lot of 5,000 sq. ft. lot.
 - There are (35) thirty-five single-family homes in the 400’ radius, (19) nineteen single-family houses are situated on an undersized lot of 5,000 sq. ft. lot or less (one being 4,629 sq. ft.).
5. Gladstone Street has a high presence of single/two-family homes on undersized lots.

6. The subject property is unique in having 10,000 sq ft lot and having the existing structure situated close to one of the lot lines, leaving an open space with frontage to locate a new home.
7. The subject property is outside of any regulated resource areas under jurisdiction of the Rhode Island Department of Environmental Management, (RIDEM).
8. The subject property is outside of any identified historic / cultural districts under the jurisdiction of the Local Historic District Commission, State Historical Preservation Commission, State, or National Registers of Historic Places.
9. The subject property is identified as "Zone X – Area of Minimal Flood Hazard" on FEMA Flood Map Panel 44007C0312H, and outside of any regulated floodplain or flood hazard districts, effective October 2, 2015.

LOCATION MAP



AERIAL PHOTO



STREET VIEWS

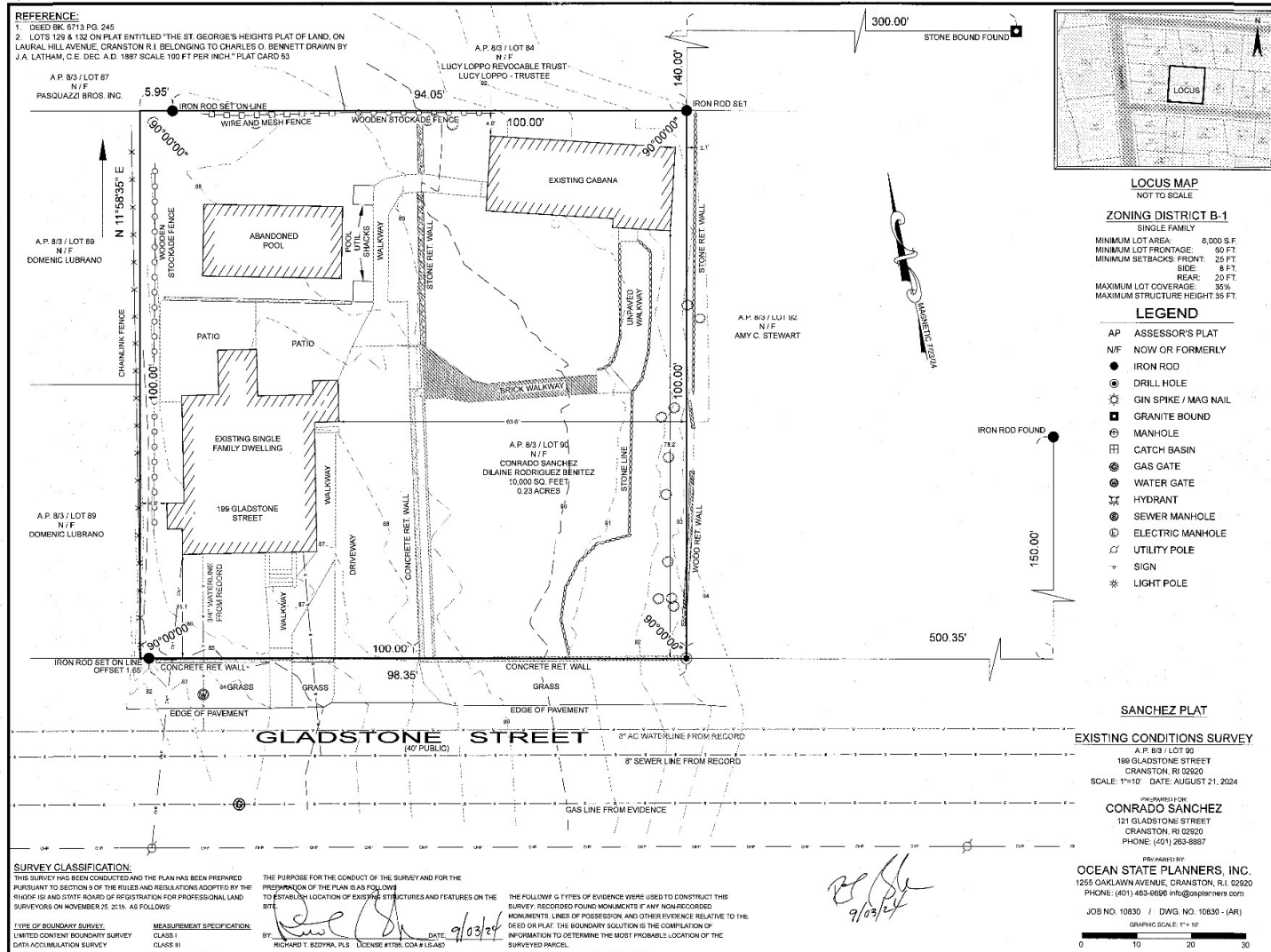


(View north from Gladstone St)

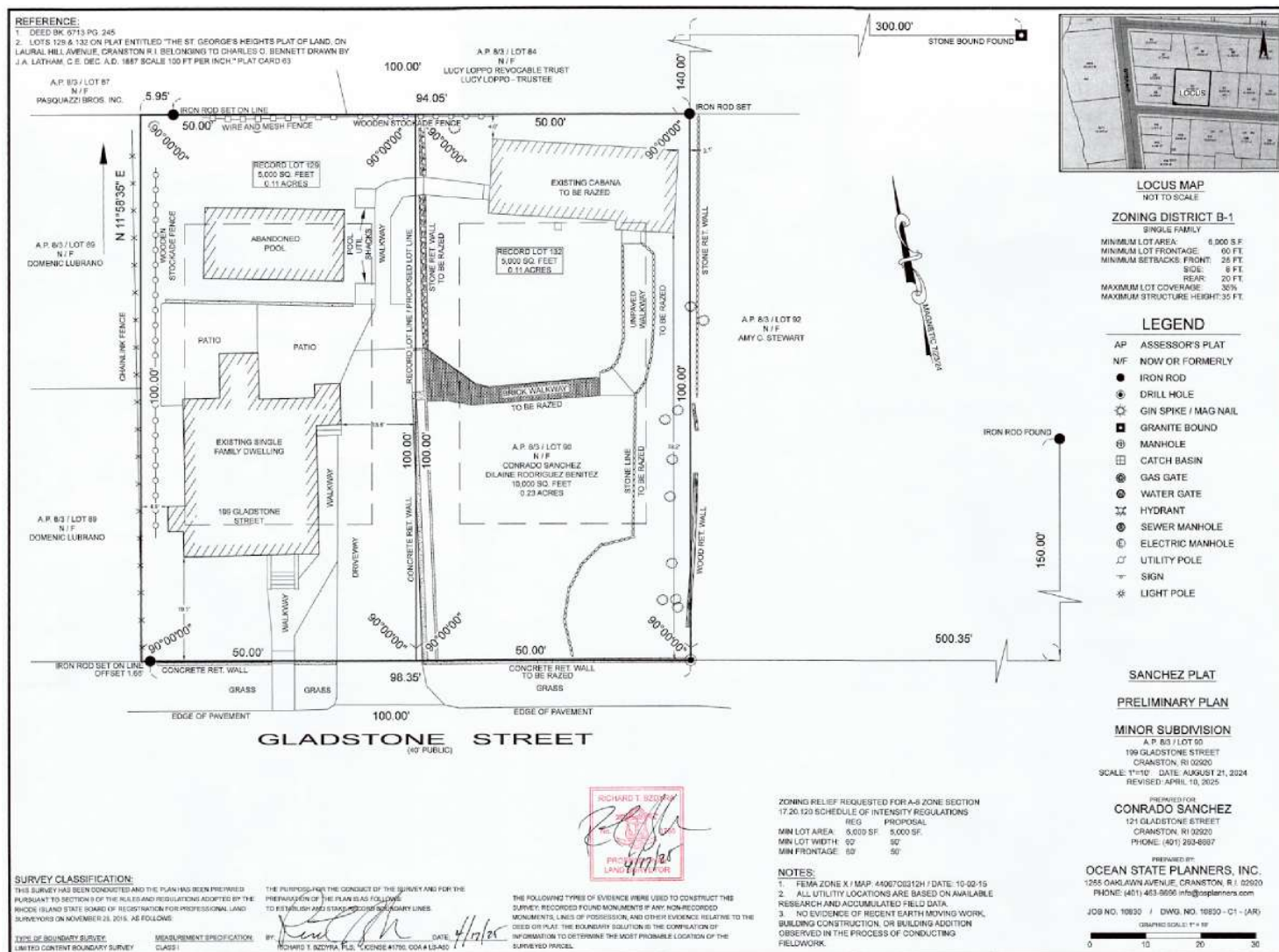


(View north from Gladstone St)

EXISTING CONDITIONS PLAN



PROPOSAL



IV. Municipal Review

Pursuant to RIGL §45-23-37, these Plans and submitted documents were distributed for comment to the following agencies and it was reviewed by the Technical Review Committee on November 11, 2024.

1. Department of Public Works
 - a. Engineering Division: No comments provided.
 - b. Traffic Safety Division: No comments provided.
 - c. Sewer Division: No comments provided.
 - d. Veolia Water: No comments provided.
2. Department of Building Inspection & Zoning Enforcement
 - a. Mr. Stan Pikul, Alt. Building Official, noted that this request seeks to create two new under-sized lots – as opposed to seeking to build on undersized lots of record. They are seeking a variance to allow a single-family home on 5000 sq. ft. where 6000 sq. ft. is required.
 - b. David Rodeo: No comments provided.
3. Fire Department: Mr. Armand Niquette, Fire Marshal, no comments provided.

V. Planning Analysis

Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as Single/ Two Family Residential Less than 10.89 Unit Per Acre
 - Per the Comprehensive Plan, the B-1 zoning district is an appropriate zoning classification for one and two-family residential units.
 - The current residential density within a 400' radius is 7.03 units per acre.
 - The proposed subdivision and new single-family home would increase the density on B-1 zoned lots within 400' from 7.03 to 7.12 units per acre.
 - The current residential density within a 200' radius is 8.01 units per acre.
 - The proposed subdivision and new single-family home would increase the density on B-1 zoned lots within 200' from 8.01 to 8.62 units per acre.
 - Staff finds that the Application is consistent with the Future Land Use Map designation.
- 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.
- 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 Laurel Hill consists of one- and two-family residences on separate lots as well as multi-family housing.
 - There are single family houses in proximity which are located on a 5,000 sq. ft. lot

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:

We are proposing lots of 5,000 sq. ft., each with 50-foot lot width. The subject lot was originally platted in 1887 as two separate 5,000 sq. ft. lots. When the neighborhood was originally platted, all lots were created as identical 5,000 sq. ft. lots. Thus, given that Lots 129 and 132 previously had common ownership and merged to one 10,000 sq. ft. lot, the current lot is well positioned to be subdivided back into their two original separate lots.

The existing structure has been present since 1939, nearly ninety years before the applicant acquired the property and more than thirty years before the lots merged. It was placed on the original 5,000 sq. ft. lot. The off-center position of the structure shows it was clearly the intent of the original builder to allow for building on the other lot.

As previously stated, the neighborhood was platted in 1887, the existing structure was built in 1939, and the lots were merged in 1972 – all well prior to the Applicant's property acquisition.

The granting of this variance will keep with the general characteristics of the neighborhood. The lot is positioned within a residential zone. The lot is positioned in the Laurel Hill neighborhood, a dense neighborhood sandwiched between Cranston Street and Dyer Avenue, two main thoroughway and commercial arteries that connect between Cranston and Providence. The neighborhood has a mix of housing units, though primarily single family.

The existing single-family dwelling has been around since 1939. Additionally, just looking up Gladstone Street, there are multiple 5,000 sq. ft. lots of record. Moving one street over in either direction shows the same thing. Moving up to the next intersecting road, Princess Avenue, there are plenty of 5,000 sq. ft. lots, and even some under 5,000 sq. ft. Granting the variance requested will keep with the surrounding area as there are a plentiful amount of single-family homes on 5,000 sq. ft. lots.

With the proposed subdivision, the unit density remains the same. This section of Laurel Hill desires a maximum unit density, per the Future Land Use map, of less than 10.89 units per acre. As it stands, the current residential density within a 200 ft. radius is 9.38 units per acre.

Without approving the requested variances, the existing single-family home will have to be razed, and the Applicants property rights will be taken. While merged in the past, the current lot did previously exist of two separate lots. The Applicants should be able to enjoy the usage of two separate lots and enjoy their by-right usage of these lots. A denial of this variance request will

wholly preclude the applicants' ability to use their property in the same manner as those in the surrounding area.

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 Laurel Hill is a walkable traditional neighborhood with a mix of housing types. The proposal for 199 Gladstone is in keeping with the neighborhood density and character.
- The Application is consistent with the Future Land Use Map designation as the proposed use stays within the range "Single/ Two Family Residential Less than 10.89 Unit Per Acre."

RIGL § 45-24-41. General provisions – variances. (e)(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 Proposal is consistent with the Comprehensive Plan's Future Land Use Map (FLUM). The proposed resulting density of the block is within the FLUM's designation of Single/ Two Family Residential Less than 10.89 Unit Per Acre.

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 preliminary plan, with all required conditions for approval.”

- The location of 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.
- The Proposal provides for safe and adequate local circulation for vehicular traffic.

X. Recommendation – Land Development Project

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. **Lot 129**, with the existing single-family house, will be granted zoning relief to have a lot size of 5000 sq. ft. where 6000 sq. ft. is required and be granted relief to have 50' of frontage where 60' is required.
2. **Lot 132** will be granted zoning relief, for a new single-family structure, to have a lot size of 5000 sq. ft. where 6000 sq. ft. is required and be granted relief to have 50' of frontage where 60' is required.

XI. Recommended Conditions of Approval

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).

The Final Plan submittal shall be subject to the following:

1. Curb-to-curb pavement restoration shall occur as needed in accordance with and to the satisfaction of the Department of Public Works.
2. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$593.46.
3. Retaining wall that crosses property line between lots is to be removed or remain with the creation of an easement.
4. Submission of Water Service Availability Certification.
5. Submission of Sewer Availability Letter.

Respectfully Submitted,

Brianna L. Valcourt

Brianna Valcourt, M'Arch
Senior Planner / Administrative Officer

Cc: City Planning Director
File