

CITY PLANNING DEPARTMENT



Memorandum – FINAL

To: City Plan Commission
From: James Ray | Planner Technician
Date: October 6, 2026
RE: 26 Herod Street – Assessors Plat 19, Lot 160
Application for Dimensional Variance (Fences)

Owner / Applicant: Erin Cox
Location: 26 Herod Street
Zoning: A-12: Single-Family Dwellings
FLUM Designation: Single Family Residential

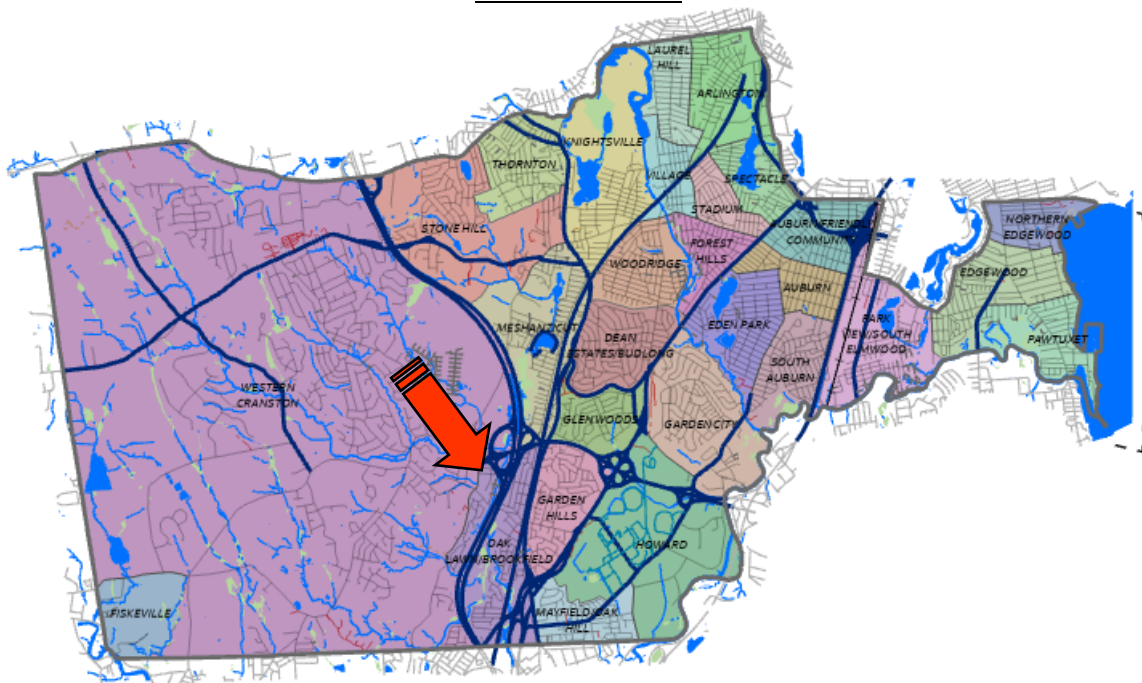
Subject Property:

The subject property is located at 26 Herod Street, identified as Plat 19, Lot 160, and has a land area of 0.1842± acres, (8,022± sq. ft.).

Request:

This application proposes to construct a fence exceeding the maximum allowed height of 6 feet. The applicant is requesting relief to construct a fence that is 8 feet tall along the edge of their property. Applicant seeks relief per Section 17.92.010-Variance and Section 17.124.010-Fences.

LOCATION MAP



ZONING MAP



FUTURE LAND USE MAP



26 Herod Street

AERIAL VIEW



STREET VIEW



A black and white photograph of a large, dense evergreen tree, possibly a cedar, in a yard. The tree is the central focus, with its dark, textured foliage filling much of the frame. To the right, a black metal fence is visible, and a house is partially seen in the background. The ground in the foreground appears to be grass or a lawn.

REFERENCE:

- DEED BK. 4231 PG. 162
- REC. LOT 14 "MEADOW BROOK PLAT" P.C. 440

LOCUS MAP

ZONING DISTRICT A-12

MINIMUM LOT AREA	12,000 S.F.
MINIMUM LOT FRONTAGE	100 FT.
MINIMUM SETBACKS:	
FRONT	25 FT.
SIDE	10 FT.
REAR	20 FT.
MAXIMUM BUILDING HEIGHT 35'	
MAXIMUM LOT COVERAGE 30%	

SURVEY CLASSIFICATION:

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2016, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION

LIMITED CONTENT BOUNDARY SURVEY CLASS I

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

TO ESTABLISH AND STAKE RECORD BOUNDARY LINES

BY: *[Signature]* DATE: 9/10/26

BY: RICHARD T. BZYDRA, PLS. LICENSE #1786. COA # LS-460

PREPARED BY:

OCEAN STATE PLANNERS, INC.

1255 OAKLAWN AVENUE, CRANSTON, RI 02920

PHONE: (401) 463-9696 info@osplanners.com

JOB NO. 9694 / DWG. NO. 9694 - (A/B)

GRAPHIC SCALE: 1" = 20'

Findings of Fact:

The Applicant has requested specific relief in their application, namely:

- 17.124.010 – Fences and walls

Relief Sought:

B-1 Zone	Required	Proposed	Relief Sought
Fence Height	6 Feet	8 Feet	2 Feet

Applicant Narrative:

The 12-foot tall 8 ft wide arborvitaes have been planted by former owners back in the mid to late 1960s. The arborvitaes have reached end of cyclic life of 60 years. They are encroaching on the neighbors' yards by 3 feet. If trimmed back to the property line, there will be a few things that will happen. The trees will get diseased and attract more termites from dying limbs and stumps. The intent is to put up 8ft high fence in place of the 12-foot arborvitaes and keep the same privacy that have been at this location for 60 years.

Note: placement of proposed fence - from front corners of house to side property lines - follow side property lines back and along rear property line to enclose back yard.

Staff Analysis:

Staff has reviewed this Application in consideration of the compatibility with the general character of the surrounding neighborhood, and the request does not impose undue nuisances and is not out of character beyond any uses on this site or within the surrounding area. The subject property and the surrounding area are primarily residential in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.

- The proposed fence will enclose the back yard of the property. Aging trees will be replaced by a new fence, maintaining the current level of privacy between neighboring backyards.
 - The fence will be mostly blocked from view from the street.
- The proposed fence is replacing a previous fence that encroached on an abutter's property.
 - The proposed fence will correct an encroachment issue, therefore improving the neighborhood.

Consistency with the Comprehensive Plan and FLUM:

- The Future Land Use Map (FLUM) designates the subject property as "*Single Family Residential 3.63 To 1 Unit Per Acre*"
 - The proposal concerns a residential accessory use that is compatible with the residential designation. Therefore, Staff finds that the Application is consistent with the Future Land Use Map designation.
- Staff finds that the following goals, policies, and action items outlined in the Comprehensive Plan pertaining to residential development support the approval of this Application:
 - Goal SF-12: Address administrative and management issues related to the process of making physical improvements.
 - Policy ED-15: Work with regulatory staff to proactively inform and assist developers in regulatory and approval processes and otherwise improve relations with developers, businesses, and property owners.

Summary

Staff conclude that the proposal is compatible with the general character of the neighborhood, does not provide disruption or nuisance, and supports the goals and policies of the Comprehensive Plan.

Recommendation:

ZBR-26-46 (26 Herod Street):

In accordance with RIGL § 45-24-41(b) and Section 17.92.010(A) of the Zoning Ordinance, Staff finds this Application consistent with the goals and purposes of the Comprehensive Plan and is compatible with the general character of the surrounding neighborhood. Staff therefore recommend that the City Plan Commission adopt the Findings of Fact documented above and forward a **POSITIVE RECOMMENDATION** on the Application to the Zoning Board of Review.

Respectfully Submitted,

James S. Ray

Jamie Ray
Administrative Officer | Planner Technician