

LIST OF VARIANCES/WAIVERS REQUESTED
APPLICATION FOR COMPREHENSIVE PERMIT
TOWN OF MIDDLETOWN – 26 OLIPHANT LANE
(PLAT 11, LOT 36)

List of variances/waivers requested from zoning ordinance and/or other local regulations:
(Specify each exception with precise reference to section of applicable regulation, attach additional sheets if necessary)

26 Oliphant Lane (TAP: 111-36) is located within Middletown’s Traffic Sensitive Public Zoning District (“PA”).¹ Pursuant to § 1701 of the Zoning Ordinance and R.I.G.L. § 45-53-4, the Applicant hereby identifies the specific sections and provisions of applicable local ordinance and regulations from which the applicant seeks relief:

1. The Application requires relief from § 602 of the Zoning Code (“Schedule of District Regulations – Uses and Districts”). Under § 602, mixed-use developments are not a permitted use in the PA Zone. As such, a use variance is required. The Applicant proposes a mixed-use development, having thirty-five (35) affordable housing units within eight (8) structures. The existing Oliphant School Building is to be converted to house twelve (12) affordable housing units on the second and third floors of the structure. The first floor will host professional services offices for a non-profit organization.² The existing maintenance building will also be converted, housing three (3) affordable housing units. The remaining twenty-two (22) affordable housing units will be spread across six (6) newly constructed town house style apartments buildings, containing between three (3) and four (4) affordable housing units each.
2. The Application requires relief from § 27A05 of the Zoning Code (“Density and Dimensional Standards”). § 27A05 provides a formula for the allowable density of residential units in mixed-use developments. Pursuant to that formula, the Applicant is permitted eleven (11) single-bedroom units and thirteen (13) two-bedroom units. Because the Applicant proposes 11 (eleven) single-bedroom units and twenty-four (24) two-bedroom units, the Applicant requires relief in the amount of eleven (11) two-bedroom units.³
3. The Applicant requires relief from § 27A04(D) of the Zoning Code (“Mix of Uses”). § 27A04 mandates that no more than 60% of Gross Leasable Floor Area (“GLFA”) of the proposed development shall be dedicated to residential uses. (This maximum is increased to 75% pursuant to § 27A06(A) where a minimum of 10% of the proposed residential use is residential, as will be the case in this proposed development). The

¹ Because the property is located in the PA district, under § 602 of the Zoning Code, no general dimensional regulations apply to this property.

² It is anticipated that the PACE Organization of Rhode Island, a non-profit that assists elderly adults with complex health needs remain living in their homes, will occupy the first floor of the existing Oliphant School Building.

³ A detailed breakdown of the application of this formula is provided on Applicant’s Density Calculation Sheet, submitted herewith.

Applicant proposes that 88% of the GLFA be designated for residential use and therefore requires relief from this section.⁴

4. The Application requires relief from § 1304 of the Zoning Code (“Minimum and Maximum Off-Street Parking Requirements”). § 1304 provides formulas setting forth the number of parking spaces required for any proposed use. Pursuant to those formulas, the proposed mix of uses for this proposed development requires eighty-nine (89) parking spaces.⁵ The Applicant proposes providing seventy-two (72) parking spaces. The Applicant therefore requires relief in the amount of seventeen (17) parking spaces.
5. The Application requires relief from § 1507(A) of the Zoning Code (“Off-Street Parking”). § 1507(A) mandates that no off-street parking area shall be located within twenty-five (25) feet to any lot line in a multifamily dwelling project, or closer than ten feet of any lot line for a multifamily dwelling structure. The proposed parking area to the west of the existing maintenance building is located 10.8’ from the western lot line and 13.8’ from the northerly lot line. As such, this parking area requires 14.2’ of relief and 11.2’ of relief respectively. The proposed parking area just to the north of the existing maintenance building is located 13.1’ from the existing westerly lot line. As such 11.9’ of relief is required with respect to this parking area.
6. The Application requires a variance from § 1507(B) of the Zoning Code (“Off-Street Parking”). § 1507(B) mandates that no off-street parking area shall be located within twenty-five (25) feet of any wall of a principal building used for residential purposes along which is located an entrance or exit generally intended for use by residences thereof or along which are located windows serving habitable rooms less than ten feet above the ground. Under the proposed plans, each structure has a parking area that requires relief from this section. Buildings 1-4 are proposed to be located 24’ from parking areas. Each building requires 1’ of relief. Buildings 5 and 6 are proposed to be located 22.8’ from parking areas and each requires 2.2’ of relief. The existing maintenance building is proposed to be located 13.4’ from the rear parking area and requires 11.6’ of relief. The existing Oliphant School Building is proposed to be located 10.8’ from the parking area to the south and the proposed addition will be 10’ from the north parking area. As such, 14.2’ of relief and 15’ of relief are required respectively.
7. The Application requires a variance from § 1508(A) of the Zoning Code (“Building Design and Location”). § 1508(A) mandates that in multifamily dwelling projects, principal buildings shall be separated from any other principal building by a minimum of fifty (50) feet. The distance between the existing Oliphant School Building and the existing maintenance building is 29.5’ and therefore 20.5’ of relief is needed. The distance between buildings 1 and 2, buildings 3 and 4, and buildings 5 and 6 are proposed to be 20’ and therefore 30’ of relief is needed in this regard. The distance between building 2 and building 3 is proposed to be 34.4’ and therefore 15.6’ of relief is needed in this regard. The distance between buildings 4 and 5 is proposed to be 20.4’ and therefore

⁴ A detailed breakdown of the GLFA is provided by DBVW architects on the memorandum submitted herewith.

⁵ A detailed breakdown of the formulas used to calculate the required parking for the project is provided on the Sheet C-5 of the Applicant’s Master Plan submission, submitted herewith.

29.6' of relief is needed in this regard.

8. The Application requires a special use permit relative to § 1103 of the Middletown Ordinance (“Areas within Zone 1”). § 1103 prohibits certain uses of buildings, structures, and land that are located within Zone 1 of the Watershed Protection District. Buildings 5 and 6, the existing Oliphant School Building, and the addition that is proposed to be added to the existing Oliphant School Building, are located either fully or partially within Zone 1 of the Watershed Protection District. The location of these structures for the proposed uses would therefore require a special use permit pursuant to § 1103.
9. The Application requires variances from § 27A07(E)(1) and (E)(2). § 27A07(E)(1) mandates that no new principal building shall be located within 100’ of an existing residential building on abutting property or 50’ of a residentially zoned lot. Proposed buildings 3 and 4 are located 17.4’ from the abutting property to the north, which is zoned R-10. Additionally proposed building 3 is located 43’ from an existing residential structure to the north and proposed building 4 is located 57’ from an existing residential structure to the north. As such, 57’ and 43’ of relief is required respectively. § 27A07(E)(2) mandates that the area within the required setbacks shall be devoted to a landscaped or natural buffer zone. The Applicant is not proposing devoting the entirety of these setbacks to landscaping or natural buffer; therefore, relief is required.