Expert Witness Report of Peter Friedrichs, Esq., AICP

Required Findings for Dimensional Variances

Qualifications and experience:

I am co-founder, co-owner, and serve as Principal Planner for a Providence-based planning firm with municipal planning experience throughout Rhode Island, Libra Planners. I previously served in municipal planning roles in Newport and Central Falls (where I helped set up the Conant Thread joint planning district) as City Planner and Director of Planning and Economic Development, respectively. I possess over a decade of progressing responsibility in the planning field and development industry, where I have worked for local government, real estate developers, contractors, architects, preservationists, and community advocates. In this capacity, I was the recipient of several awards, including the Donald Hunter Award for the top economic development planning project in the United States, several project awards from the Rhode Island Chapter of the American Planning Association and policy awards from Grow Smart Rhode Island and the New England Chapter of the Congress for the New Urbanism. I have been recognized as a planning expert in adjudicative proceedings in Cranston, Hopkinton, Pawtucket, Providence, Tiverton, and Warwick. I was appointed by Speaker Shekarchi to the Rhode Island House of Representatives' land use commission in 2025.

Nature of Development	112 and 114 Penn Street Administrative Subdivision
Address	112 and 114 Penn Street, Providence, Rhode Island
AP and Lot	Assessor's Plat 33 Lots 218 and 217, respectively
Owner	Sheryar Mazhar
Applicant	Sheryar Mazhar

Summary of Approvals Sought	
Approval Requested	Standard to be Modified
1. Dimensional Variances	
a. Lot Area	Proposed New Lot 1: Table 4-1: Lot size-3120sqft where 3,500sqft required Proposed Ex. Lot 218: Table 4-1: Lot size-2880sqft where 3,500sqft required
b. Rear Setback	Proposed Ex. Lot 218: 6.7’ where 17.28’ required, applying the proportional reduction pursuant to RIGL §45-24-38(b)(1)

2. Dimensional Variance **a. Minimum Lot Area** Table 4-1: Minimum Lot Area – R-4 – 3,500sqft required Proposed = Proposed New Lot 1: 3,120sqft Proposed Ex. Lot 218: 2,880sqft Relief Requested = 11%; 17%sqft		
Applicable Standards	**List of Facts**	Does this application meet this standard? **Yes** or **No**
RIGL § 45-24-41(e)(2) The hardship suffered by the owner if the dimensional variance is not granted **amounts to more than a mere inconvenience** (relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted)	1. Denial will prevent subdivision. 2. Denial will prevent the conversion of a difficult to develop lot into a fully developable lot consistent with the high density designation of the surrounding area.	**Yes.**
RIGL § 45-24-41(d)		**Yes.**

(1)The hardship is due to:	[A] the **unique characteristics** of the subject land or structure; and	1. Current Lot 218 is pre-existing nonconforming for lot size and lot width in that it is only 20’ wide and 2000’ sqft. 2. The two lots combined do not have the lot area for a by-right subdivision. 3. Any subdivision to create a new buildable lot will require relief of lot size due to the two lots combined being less than 7,000sqft.	
	[B] ***Not*** to the **general characteristics** of the surrounding area; and	1. The surrounding area is typically defined as areas within ¼ mile (5 minute walk) in an urban setting, aligned to prominent urban features. 2. The surrounding area extends from Atwells Avenue to Ridge Street to Broadway to Vinton Street. 3. The surrounding area is an urban sub-neighborhood west of downtown Providence. 4. The zoning in this area appears to be primarily R-4 lots, most of conforming size. 5. There are some lots in the surrounding area that are substandard lots, including lots with areas smaller than what is currently being proposed. 6. The hardship arises from the specific conditions of this parcel, not from the broader neighborhood context.	**Yes.**

	[C] ***Not*** due to physical or **economic disability** of the applicant.	N/A	**Yes.**
(2) The hardship:	Is ***not*** the result of any **prior action** of the applicant	1. Applicant/owner has acquired the lots as they are today.	**Yes.**
(3) Granting the requested variance:	[A] Will ***not*** **alter** the **general character** of the surrounding area; or	1. See above comments regarding the general character of the surrounding area. 2. The underlying administrative subdivision will only rearrange the existing lot lines. There will be not major development associated with the administrative subdivision. 3. Density will not increase beyond what already exists. 4. The project therefore maintains and reinforces the existing character of the residential neighborhood. 5. High density residences would be allowed, similar to the surrounding area.	**Yes.**
	[B] Will ***not*** **impair** the intent or purpose of the **zoning ordinance**; or	The intent and purposes of Providence's Zoning Ordinance are set forth in **Section 101, Purpose**, which include, in pertinent part: "[Promoting] the public health, safety, and general welfare," "[Providing] for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs," "[Providing] for orderly growth and development which recognizes… the need to shape urban development," "[Promoting] a balance of housing choices, for all income	**Yes.**

		levels and groups," and "[Promoting] the implementation of the comprehensive plan of the city or town." 1. Promoting the public health, safety, and general welfare Based upon the proposed vacant lot size, zoning compliant future builds will be possible. 2. Providing for a range of uses and intensities of use appropriate to the character of the City This area is comprised of a range of development intensities, ranging from single-family to large multi-family uses. The vacant lot provide, by-right, up to a six unit multifamily, Allowing smaller lot sizes further contribution to the range of intensities in the City, and this surrounding area in particular. 3. Providing for orderly growth and development and recognizing the need to shape urban development Granting relief allows a difficult to develop lot to become a fully developable lot. 4. Promoting a balance of housing choices for all income levels and groups The requested relief supports the addition of a new buildable lot, helping to expand the City's housing. The multitude of permitted residential uses provides opportunities for varying housing choices.	

		5. Promoting the implementation of the Comprehensive Plan As addressed in detail below, the project directly advances several Land Use objectives of the Comprehensive Plan	
	[C] Will ***not*** **impair** the intent or purpose of the **comprehensive plan** upon which the ordinance is based. (Pursuant to R.I. Gen. Laws § 45-22.2-b (2)(11), only "the Future Land Use Map in a valid comprehensive plan […] shall govern all local municipal land use decisions.")	The Comprehensive Plan identifies a series of goals and objectives directly relevant to the administrative subdivision, including: LU-Goal — Promote and manage growth through land development while sustaining Providence's high quality of life and preserving its unique attributes. (p. 68) LU Goal – Ensure the continued strength and stability of Providence's neighborhoods and direct growth to appropriate areas. (p. 69) LU1 – Protect and enhance stable neighborhoods (p. 71) LU2 – Direct growth (p. 71) The Comprehensive plan also highlights other priorities related to walkability, corridor reinvestment, and housing supply (See generally, Land Use Chapters). Relief from the lot area requirement supports and does not impair these goals and objectives for the following reasons: 1. LU-Goal — Promoting and managing growth (p. 68). Through the approval of this relief, a new buildable lot will be created. This new buildable lot will be able to provide new residential opportunities for all residential uses. 2. LU Goal –Directing growth to appropriate areas. (p. 69) The subject neighborhood is designated in the Growth Strategy Map as "Enhanced Growth-Residential." These	**Yes.**

		growth areas are suitable for higher densities and various densities due to their proximity to Downtown and multiple modal methods and the existing built environment. 3. LU1 – Protecting and enhancing stable neighborhoods (p. 71) As just stated this neighborhood is in an Enhanced Growth-Residential growth strategy area. The subject lots are surrounding by R-4 lots. This neighborhood is stable and uniform and creating the buildable lot will continue this stability and uniformity. 4. LU2 – Directing growth (p. 71) Due to multifamily being permitted, creating the new buildable lot creates the possibility of higher density development. The Future Land Use Map designates the subject parcels as High-Density Residential, "characterized by multifamily dwellings, with some one-, two- and three-family dwellings interspersed." The existing two-family being interspersed keeps with this designation. The vacant lot can either continue the interspersing or add to the primary development characterization. The project therefore furthers, and does not impair, the intent and purpose of the Comprehensive Plan.	
Decision Requested: Approve the requested dimensional variance regarding:			

2.a Minimum Lot Area

2.b. Rear Setback Table 4-1: Minimum Rear Setback – R-4 – 17.28’ required, applying the proportional reduction pursuant to RIGL §45-24-38(b)(1) Proposed – 6.7’ Relief Requested = 65%		
Applicable Standards	**List of Facts**	Does this application meet this standard? **Yes** or **No**
RIGL § 45-24-41(e)(2) The hardship suffered by the owner if the dimensional variance is not granted **amounts to more than a mere inconvenience** (relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted)	1. Two-family is permitted by right. 2. The existing two-family dwelling has been present for more than 100 years. 3. Denial will prevent subdivision. 4. Requiring compliant rear setback will lessen and likely eliminate the true buildability of the new vacant lot.	**Yes.**
RIGL § 45-24-41(d)		**Yes.**

(1)The hardship is due to:	[A] the **unique characteristics** of the subject land or structure; and	1. The existing two-family dwelling has been present for more than 100 years. 2. The existing lot configurations have been in their current form for more than 50 years. 3. The primary developable area is in the current rear yard. 4. While on a corner lot, there is only one point of access to the dwelling on one of the streets. While the Zoning Ordinance would normally allow freely choosing the front lot orientation for a corner lot, the already developed structure eliminates this freedom. This corner lot is stuck with its front lot orientation.	
	[B] ***Not*** to the **general characteristics** of the surrounding area; and	1. The surrounding area is typically defined as areas within ¼ mile (5 minute walk) in an urban setting, aligned to prominent urban features. 2. The surrounding area extends from Atwells Avenue to Ridge Street to Broadway to Vinton Street. 3. The surrounding area is an urban sub-neighborhood west of downtown Providence. 4. The majority of developed lots in the area appear to present either compliant rear setbacks or rear setbacks that are more compliant than what is proposed.	**Yes.**

		5. Any subdivision to create a new buildable lot will inherently require relief. 6. Many of the corner lots along Penn Street have multiple site access points, which would allow them to choose where their lot orientation is to determine their front and rear yard. 7. Due to the existing site access fronting on Penn Street, the 114 Penn Street is unable to change its lot orientation. 8. The primary developable area is in the current rear yard.	
	[C] ***Not*** due to physical or **economic disability** of the applicant.	1. N/A	**Yes.**
(2) The hardship:	Is ***not*** the result of any **prior action** of the applicant	1. Applicant/owner has acquired the lots as they are today.	**Yes.**
(3) Granting the requested variance:	[A] Will ***not*** **alter** the **general character** of the surrounding area; or	1. See above comments regarding the general character of the surrounding area. 2. Granting rear setback relief will not alter the general character of the surrounding area. As the relief requested is associated with an administrative subdivision, there will be no development on the lot. The existing dwelling will remain as is. 3. The reduced setback is necessary due to area in the existing rear yard having the proper area to create a new buildable lot.	**Yes.**

		4. There are many residential uses in the surrounding area with a rear yard setback or less than required.	
	[B] Will ***not*** **impair** the intent or purpose of the **zoning ordinance**; or	The intent and purposes of Providence's Zoning Ordinance are set forth in **Section 101, Purpose**, which include, in pertinent part: "[Promoting] the public health, safety, and general welfare," "[Providing] for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs," "[Providing] for orderly growth and development which recognizes… the need to shape urban development," "[Promoting] a balance of housing choices, for all income levels and groups," and "[Promoting] the implementation of the comprehensive plan of the city or town." 1. Promoting the public health, safety, and general welfare Based upon the proposed vacant lot size, zoning compliant future builds will be possible. 2. Providing for a range of uses and intensities of use appropriate to the character of the City This area is comprised of a range of development intensities, ranging from single-family to large multi-family uses. The vacant lot provide, by-right, up to a six unit multifamily, Allowing smaller lot sizes further contribution to the range of intensities in the City, and this surrounding area in particular.	**Yes.**

		3. Providing for orderly growth and development and recognizing the need to shape urban development Granting relief allows a difficult to develop lot to become a fully buildable lot. 4. Promoting a balance of housing choices for all income levels and groups The requested relief supports the addition of a new buildable lot, helping to expand the City's housing. The multitude of permitted residential uses provides opportunities for varying housing choices. 5. Promoting the implementation of the Comprehensive Plan As addressed in detail below, the project directly advances several Land Use objectives of the Comprehensive Plan.	
	[C] Will ***not*** **impair** the intent or purpose of the **comprehensive plan** upon which the ordinance is based. (Pursuant to R.I. Gen. Laws § 45-22.2-b (2)(11), only "the Future Land Use Map in a valid comprehensive plan […] shall govern all local municipal land use decisions.")	The Comprehensive Plan identifies a series of goals and objectives directly relevant to the administrative subdivision, including: LU-Goal — Promote and manage growth through land development while sustaining Providence's high quality of life and preserving its unique attributes. (p. 68) LU Goal – Ensure the continued strength and stability of Providence's neighborhoods and direct growth to appropriate areas. (p. 69) LU1 – Protect and enhance stable neighborhoods (p. 71) LU2 – Direct growth (p. 71)	**Yes.**

		The Comprehensive plan also highlights other priorities related to walkability, corridor reinvestment, and housing supply (See generally, Land Use Chapters). Relief from the lot area requirement supports and does not impair these goals and objectives for the following reasons: 1. LU-Goal — Promoting and managing growth (p. 68). Through the approval of this relief, a new buildable lot will be created. This new buildable lot will be able to provide new residential opportunities for all residential uses. 2. LU Goal –Directing growth to appropriate areas. (p. 69) The subject neighborhood is designated in the Growth Strategy Map as "Enhanced Growth-Residential." These growth areas are suitable for higher densities and various densities due to their proximity to Downtown and multiple modal methods and the existing built environment. 3. LU1 – Protecting and enhancing stable neighborhoods (p. 71) As just stated this neighborhood is in an Enhanced Growth-Residential growth strategy area. The subject lots are surrounding by R-4 lots. This neighborhood is stable and uniform and creating the buildable lot will continue this stability and uniformity. 4. LU2 – Directing growth (p. 71) Due to multifamily being permitted, creating the new buildable lot creates the possibility of higher density development. The Future Land Use Map designates the subject parcels as High-Density Residential, "characterized by multifamily dwellings, with some one-, two- and three-family dwellings	

		interspersed." The existing two-family being interspersed keeps with this designation. The vacant lot can either continue the interspersing or add to the primary development characterization. The project therefore furthers, and does not impair, the intent and purpose of the Comprehensive Plan.	
Decision Requested: Approve the requested dimensional variance regarding: 2.b. Rear Setback			