

JUN 16 2020

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought:

- Variance – Use *
- Variance – Dimensional*
- Special Use Permit **

* Attach Appendix A to apply for a Use or Dimensional Variances

**Attach Appendix B to apply for a Special Use Permit

Applicant: Daniel and Natasha Feinberg

Address 11 Loring Ave Providence, RI

Zip Code 02906

E-mail natasha.feinberg@gmail.com

Phone 401-433-1263

Home/Office

401-252-9827

Mobile (Cell)

Owner: Daniel and Natasha Feinberg

Address 11 Loring Ave Providence, RI

Zip Code 02906

E-mail natasha.feinberg@gmail.com

Phone 401-433-1263

Home/Office

401-252-9827

Mobile (Cell)

Lessee: _____

Address _____

Zip Code _____

E-mail _____

Phone: _____

Home/Office

Mobile (Cell)

Does the proposal require review by any of the following (check each):

- Downtown Design Review Committee
- I-195 Redevelopment District Commission
- Capital Center Commission
- Historic District Commission

1. **Location of Property:** 11 Loring Ave Providence RI 02906
Street Address

2. **Zoning District(s):** R-1A
Special purpose or overlay district(s): _____

3a. **Date owner purchased the Property:** 9/10/19

3b. **Month/year of lessee's occupancy:** _____

3. Dimensions of each lot:

Lot # <u>278</u>	Frontage _____	depth _____	Total area <u>15,120</u>	sq. ft.
Lot # _____	Frontage _____	depth _____	Total area _____	sq. ft.
Lot # _____	Frontage _____	depth _____	Total area _____	sq. ft.

4. Size of each structure located on the Property:

Principal Structure:	Total gross square footage	<u>2771</u>
Footprint _____	Height _____	Floors _____

Accessory Structure:	Total gross square footage _____
Footprint _____	Height _____ Floors _____

5. Size of proposed structure(s):	Total gross square footage:	_____
Footprint _____	Height _____	Floors _____

6a. Existing Lot coverage: (include all buildings, decks, etc.) 18.3

6b. Proposed Lot coverage: (include new construction) 18.3

7a. Present Use of Property (each lot/structure):
Single Family

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards:
Single Family

8. Proposed Use of Property (each lot/structure):
Single Family

9. Number of Current Parking Spaces: 4

10. Describe the proposed construction or alterations (each lot/structure):
Install eight (8) foot stockade fence as shown on the attached plan.

11. Are there outstanding violations concerning the Property under any of the following:

- Zoning Ordinance
- RI State Building Code
- Providence Housing Code

12. List all Sections of the Zoning Ordinance from which relief is sought and description of each section:

<u>1302 I</u>	<u>Section 2a. Fence Height</u>
_____	_____
_____	_____
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

Applicant proposes to construct an 8 foot stockade/lattice fence, as shown on the attached plan.

The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application.

The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements.

Owner(s):

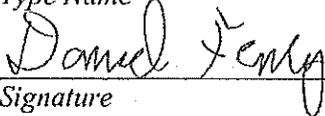
Applicant(s):

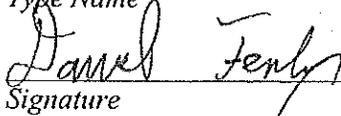
Daniel Feinberg

Daniel Feinberg

Type Name

Type Name





Signature

Signature

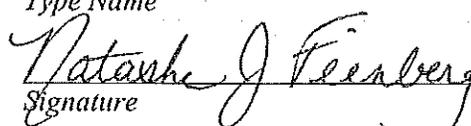
Natasha Feinberg

Natasha Feinberg

Type Name

Type Name





Signature

Signature

All requirements listed and described in the Instruction Sheet must be met or this application will not be considered complete.

APPENDIX A

APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(c) requires that the Applicant for a variance demonstrate:

- (1) 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(16);
- (2) That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- (3) 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;
- (4) That the relief to be granted is the least relief necessary; and
- (5) (a) For a **use variance**: That the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance;
- (b) For 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.

Please provide the following information:

1. **What is the specific hardship from which the applicant seeks relief?**
An eight (8) foot fence is consistent with the existing wall structure and vegetation around the perimeter of the property. Further, the subject property is an interior lot surrounded on three sides by adjoining property.
2. **Specify any and all unique characteristics of the land or structure that cause the hardship?**
The existing wall, neighboring fences and landscaping require the fence size. A compliant fence would not provide privacy.
3. (a) Is the hardship caused by an economic disability? Yes _____ No _____
(b) Is the hardship caused by a physical disability? Yes _____ No _____
(c) If the response to subsection (b) is "yes," is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.?
Yes _____ No _____
4. **Did the owner/applicant take any prior action with respect to the Property that resulted in the need for the variance requested? (Examples include, but are not limited to, any changes the owner/applicant made to the structure(s), lot lines, or land, or changes in use of the Property)?**
Yes _____ No _____

If "yes," describe any and all such prior action(s), and state the month/year taken.

5. State any and all facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain.

No financial gain is realized by the size of the fence.

6. State any and all facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan).

The requested fence is necessary to maintain the integrity of the appearance of the property and to preserve privacy and a height compliant fence would not serve either purpose.

7. If you are seeking a USE VARIANCE, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district.

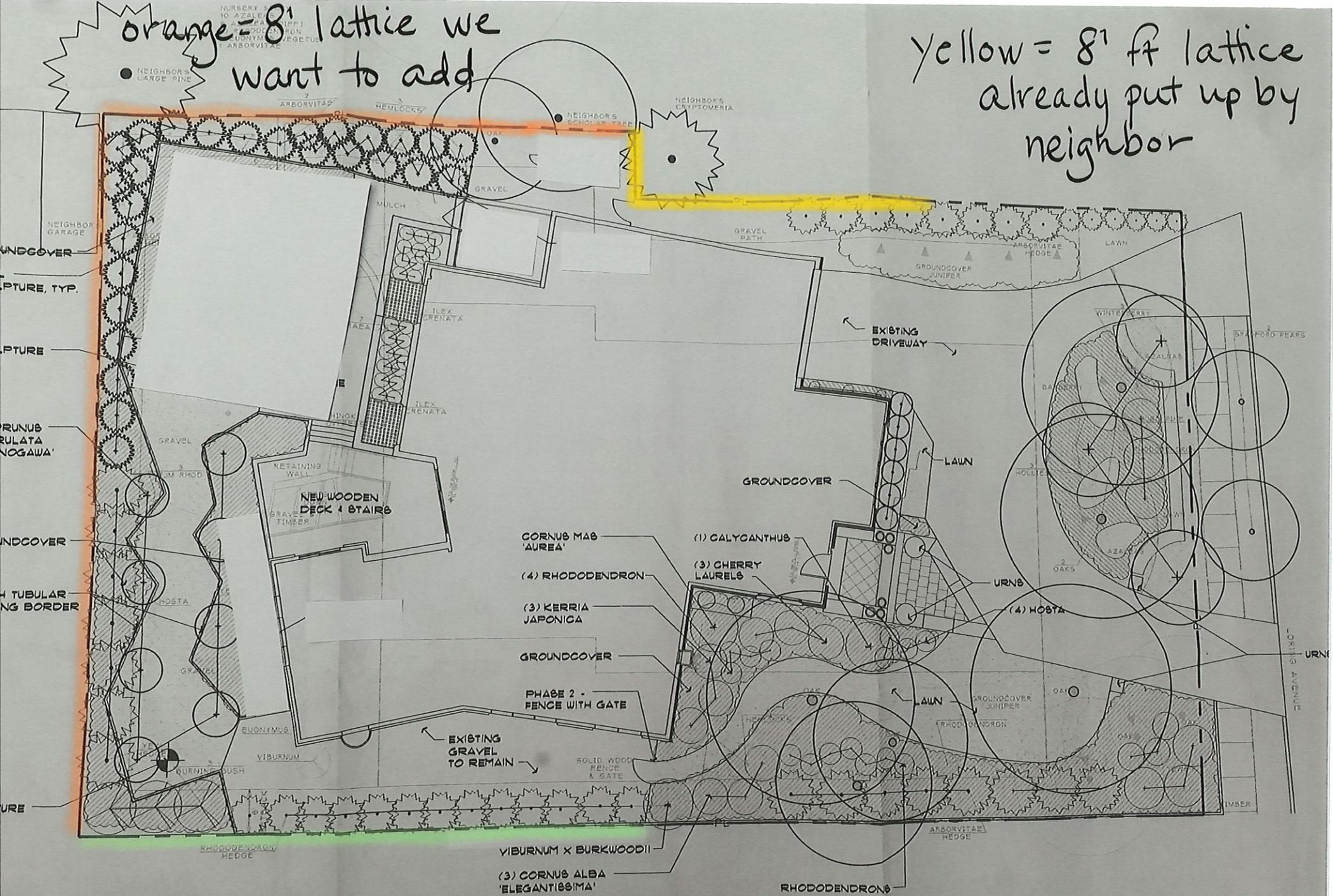
N/A

8. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.

The inability to construct the requested fence would result in a hardship amounting to more than a mere inconvenience because the appearance of the property would be lessened by a height compliant fence and privacy would be reduced.

orange = 8' lattice we want to add

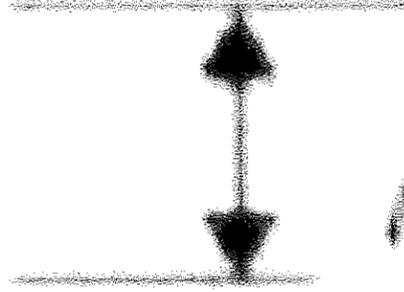
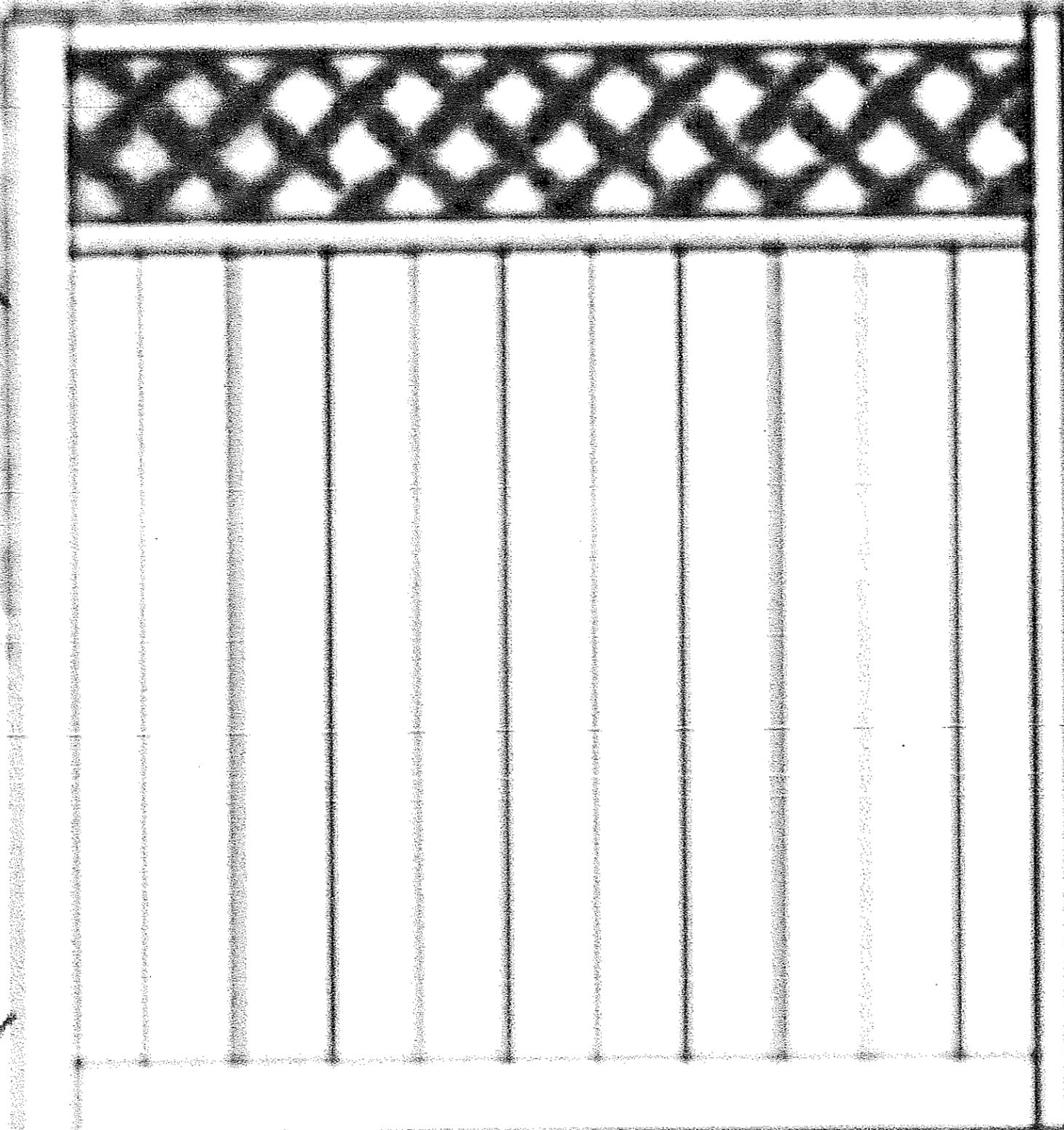
yellow = 8' ft lattice already put up by neighbor



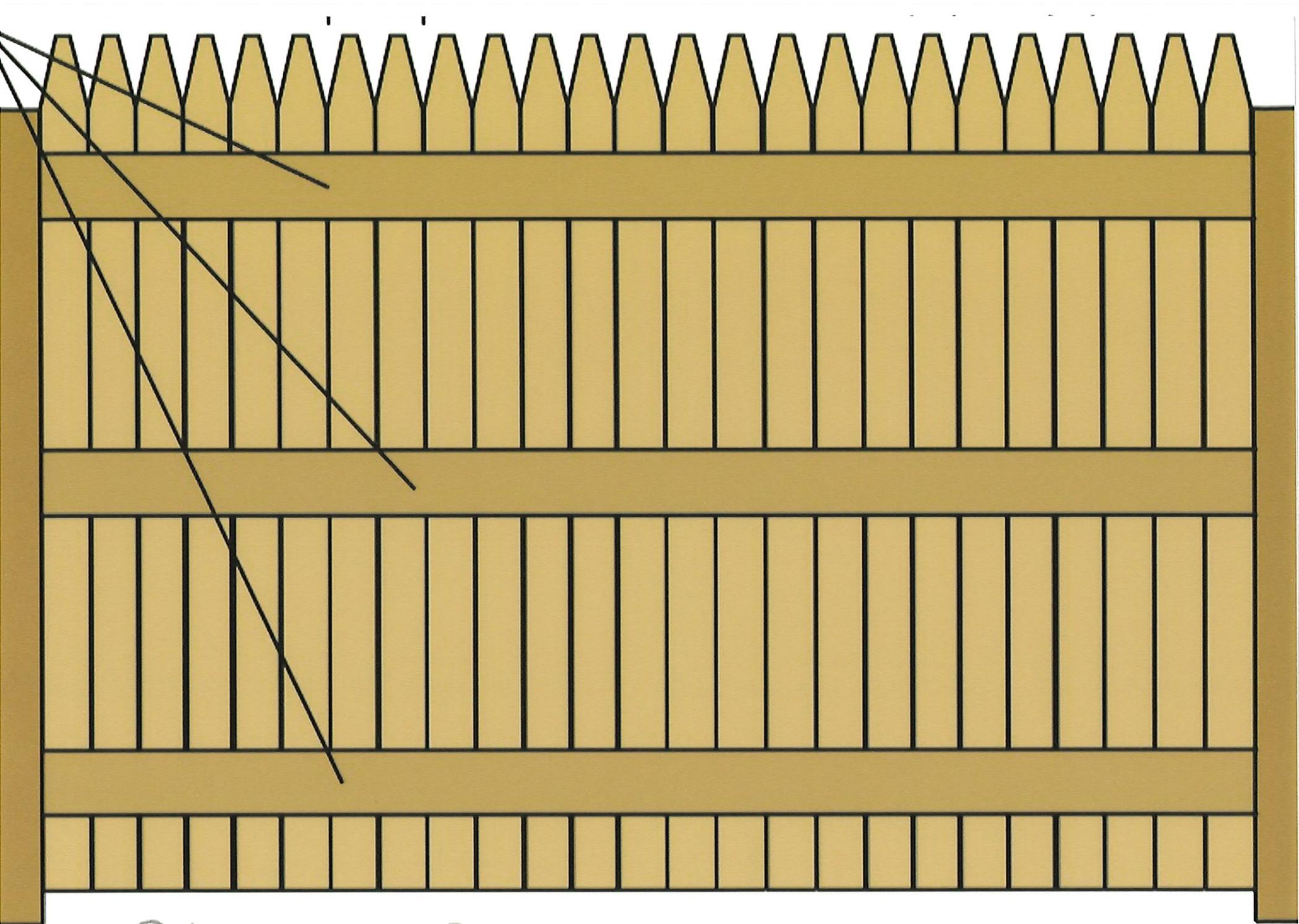
green = 8' stockade we want to add

1 ft.
lattice

7'
solid
ence



Shower
enclosure
plan.



8' tall. Shown in green ●

