

DEC 07 2020

**CITY OF PROVIDENCE
ZONING BOARD OF REVIEW**

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought:

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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: Samuel Maker

Address 168 Eaton Street, Providence, RI

E-mail samuemaker94@yahoo.com

Zip Code 02908

Phone 401.864.1000

401.864.1000

Home/Office

Mobile (Cell)

Owner: 109-115 Pinehurst LLC

Address 168 Eaton Street, Providence, RI

E-mail samulemaker94@yahoo.com

Zip Code 02908

Phone 401.864.1000

401.864.1000

Home/Office

Mobile (Cell)

Lessee: _____

Address _____

E-mail _____

Zip Code _____

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:** 115 PINEHURST AVENUE AP 120 LOT 287

Street Address

R-2

2. **Zoning District(s):** _____

Special purpose or overlay district(s): _____

3a. **Date owner purchased the Property:** AUGUST 2020

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

3. Dimensions of each lot:

Lot #	287	Frontage	40.23'	depth	101'	Total area	4065	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	_____
Footprint _____	Height _____	Floors _____
Accessory Structure:	Total gross square footage	_____
Footprint _____	Height _____	Floors _____

5. Size of proposed structure(s):	Total gross square footage:	5088
Footprint 24' X 53'	Height 38' 8"	Floors 3

6a. Existing Lot coverage: (include all buildings, decks, etc.) 0%

6b. Proposed Lot coverage: (include new construction) 31%

7a. Present Use of Property (each lot/structure):
VACANT LOT

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

8. Proposed Use of Property (each lot/structure):
TWO FAMILY DWELLING

9. Number of Current Parking Spaces: 0

10. Describe the proposed construction or alterations (each lot/structure):
CONSTRUCT A NEW TWO FAMILY DWELLING 24' X 53'

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:

TABLE 4-1	RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS-FRONT & REAR YARD SETBACK
_____	_____
_____	_____

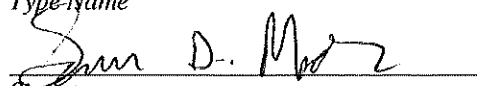
13. Explain the changes proposed for the Property.

TO PRESERVE THE SIGNIFICANT TREE TOWARDS THE FRONT OF THE PROPERTY, THE PROPOSAL IS TO SET THE HOUSE TOWARDS THE REAR LEAVING ONLY A 6.73' REAR YARD SETBACK WERE 25' IS REQUIRED. FURTHER, THE FRONT YARD SETBACK WILL BE 40.26' WHERE 18' IS REQUIRED BASED ON THE AVERAGE ALIGNMENT.

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.

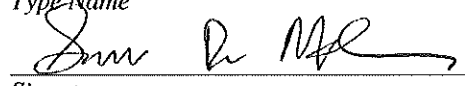
Owner(s):

SAMUEL D. MAKER
Type Name

Signature

Type Name

Signature

Applicant(s):

SAMUEL D. MAKER
Type Name

Signature

Type Name

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?**

UNIQUE SITE CONDITIONS

2. **Specify any and all unique characteristics of the land or structure that cause the hardship?**

A LARGE, SIGNIFICANT TREE EXISTS IN WHAT WOULD BE THE USUAL BUILDING FOOTPRINT PLACEMENT.

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.

RATHER TO BUILD A TWO FAMILY ON AN EXISTING LEGAL, NONCONFORMING LOT.

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).

DUE TO THE PLACEMENT OF THE EXISTING SIGNIFICANT TREE, ALL OTHER OPTIONS FOR ALTERNATIVE PLACEMENT OF THE NEW HOUSE HAVE BEEN EXHAUSTED AND THE LEAST RELIEF IS BEING REQUESTED.

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.

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.

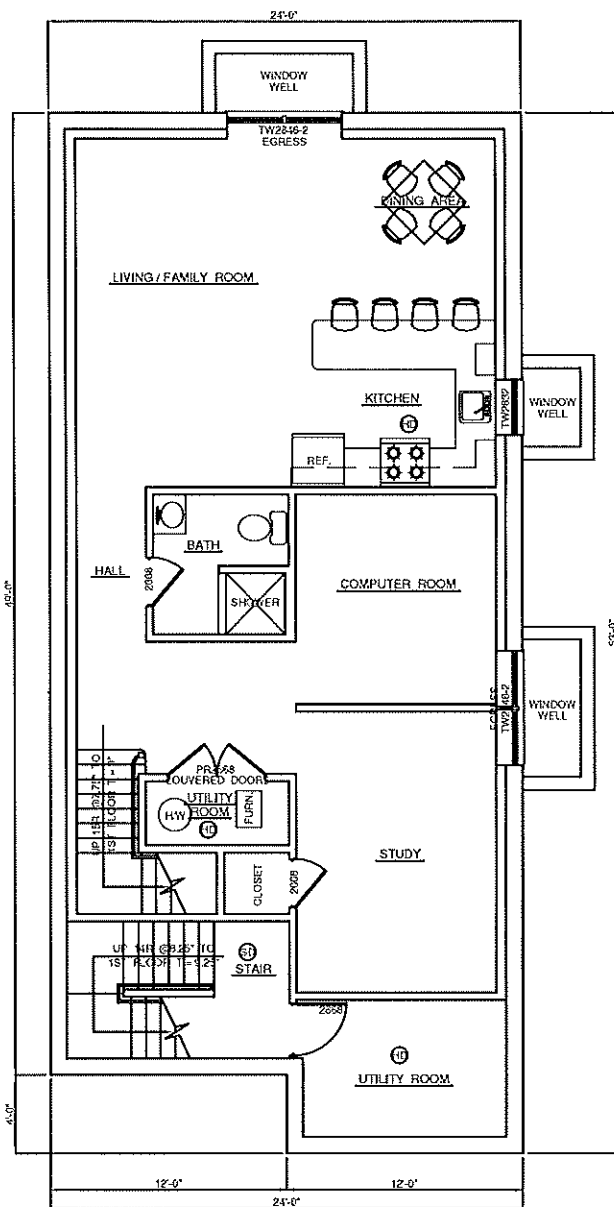
IF DENIED THE OWNER WOULD NOT BE ABLE TO BUILD AN OTHERWISE FULLY COMPLIANT PROPOSED TWO FAMILY DWELLING ON THIS BUILDABLE LOT CAUSING A HARDSHIP WELL BEYOND A MERE INCONVENIENCE AND DENYING THE HIGHEST AND BEST USE FOR THE PROPERTY.



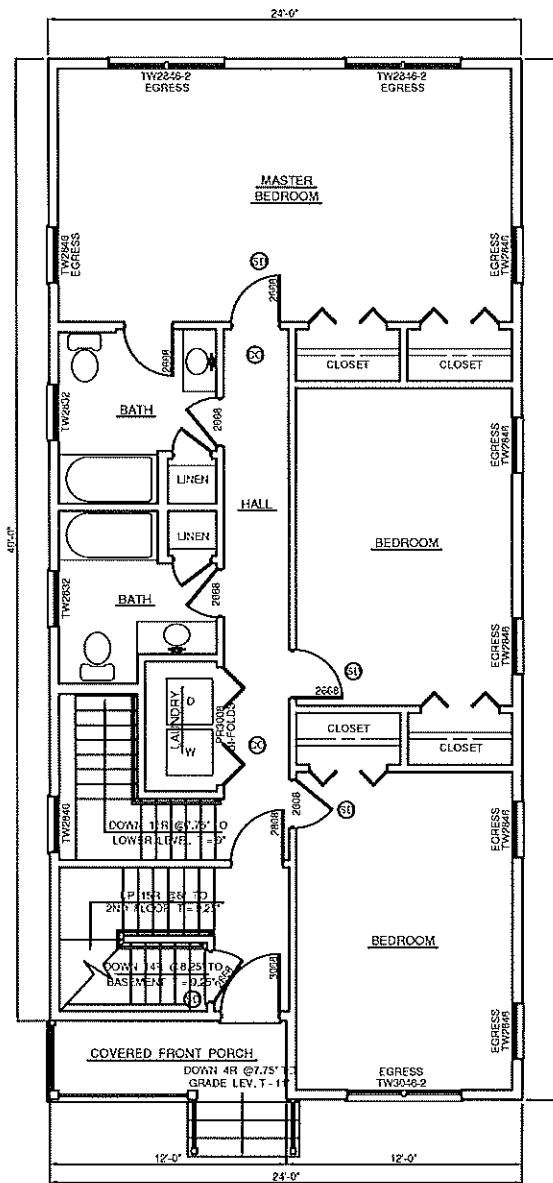




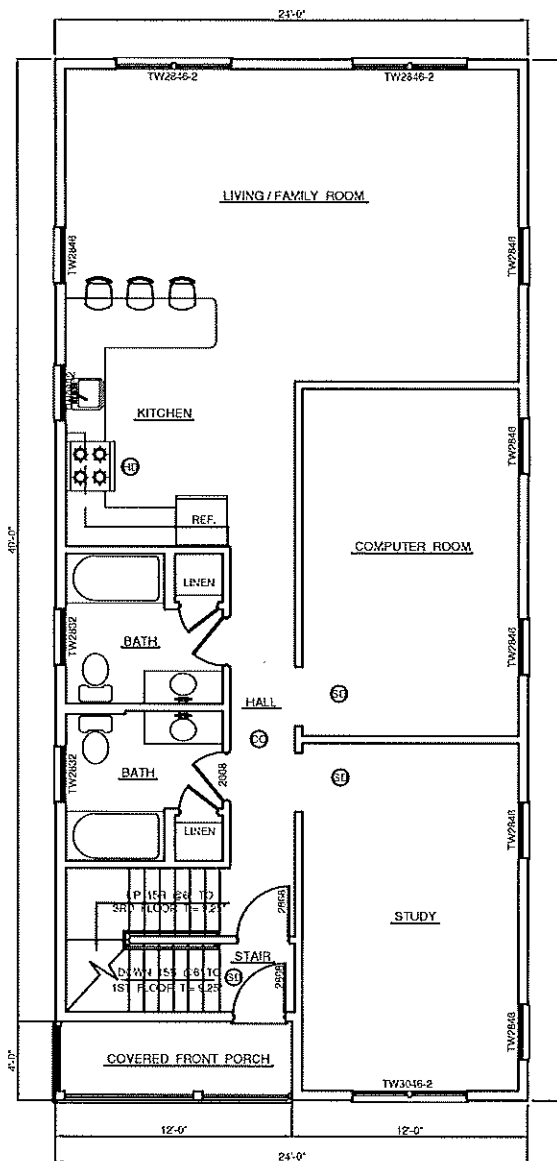




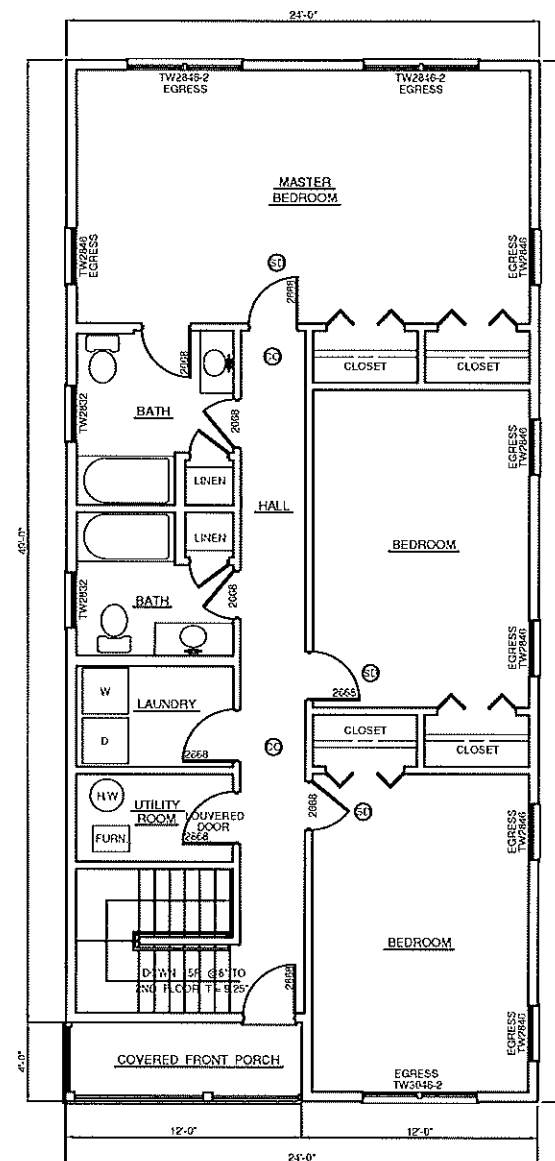
PROPOSED LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROPOSED FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROPOSED THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

Project :
**PROPOSED 24' x 53', 3-STORY,
 2 - FAMILY DWELLING**
 115 PINEHURST AVENUE
 PROVIDENCE, R.I.

Greg W. Bagian
 (401)-464-2601

Date : 6/1/20

Scale : N.T.S

Drawn by : GB

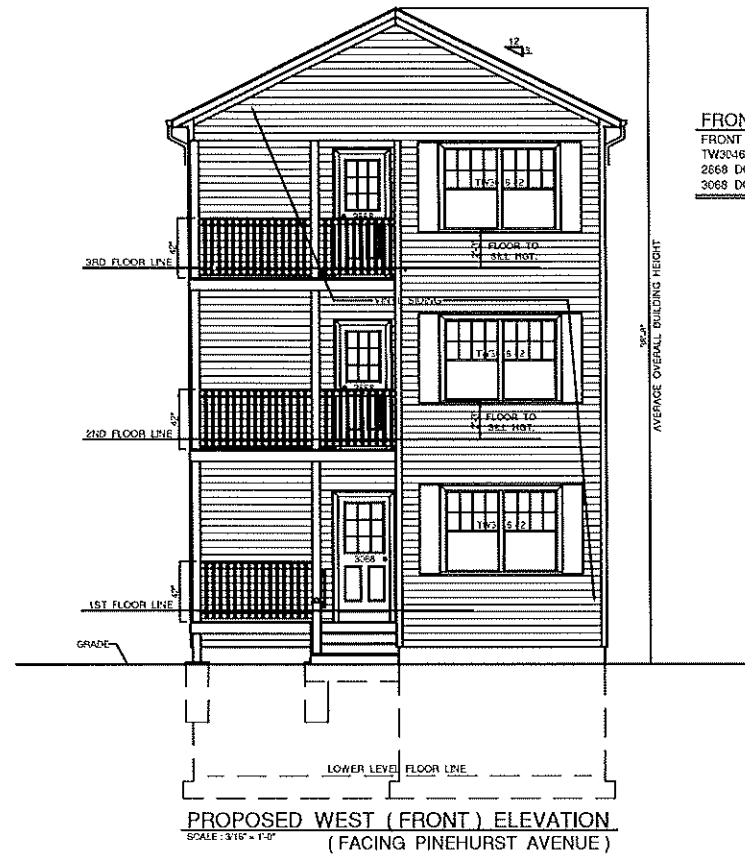
A.P. : 120

Lot No. : 288

Drawing No. :

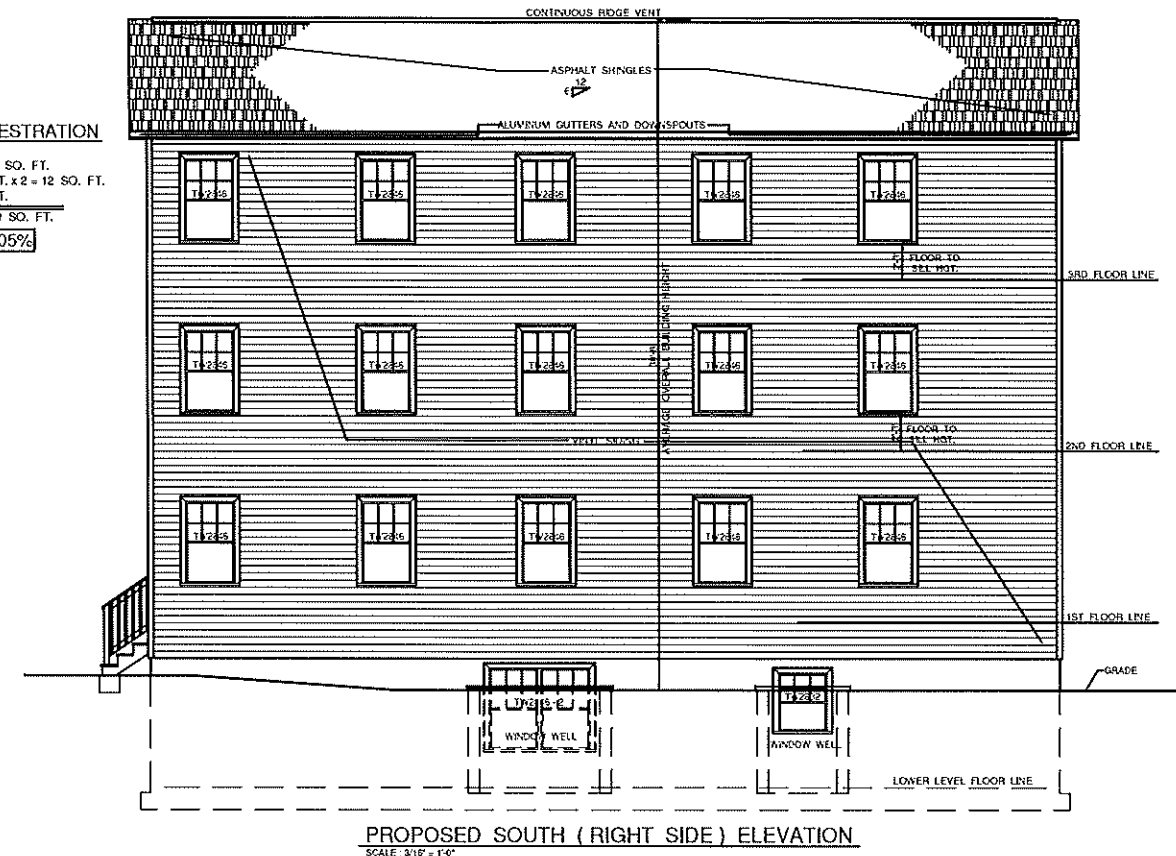
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1 OF 2 DWGS.

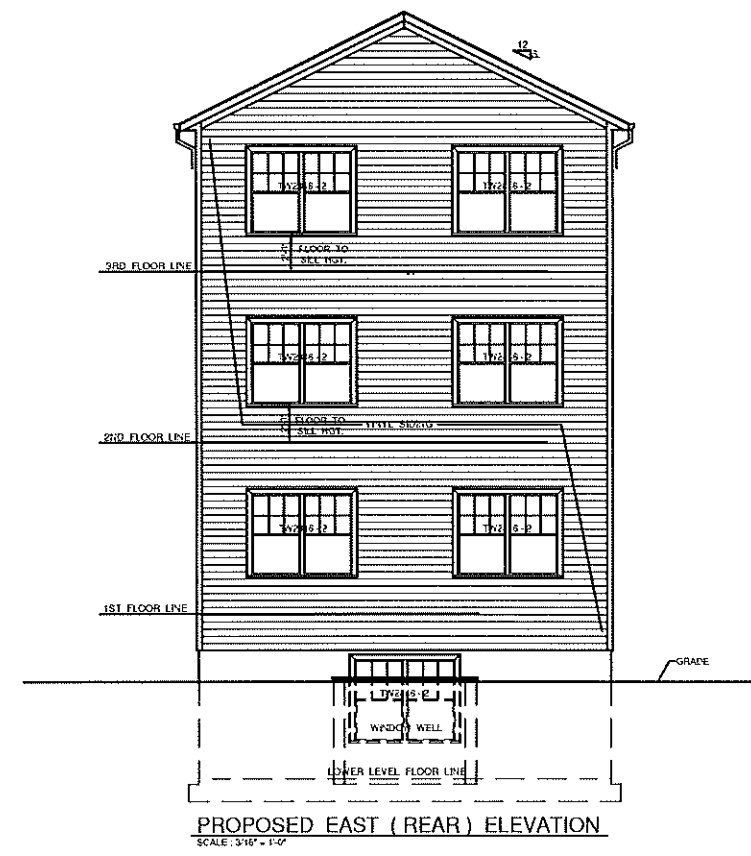


FRONT FACADE FENESTRATION
 FRONT FACADE = 724 SQ. FT.
 TW3046 - 2 = 20 SQ. FT. x 3 = 60 SQ. FT.
 2668 DOOR GLAZING = 6 SQ. FT. x 2 = 12 SQ. FT.
 3068 DOOR GLAZING = 7 SQ. FT.
 TOTAL = 109 SQ. FT.
15.05%

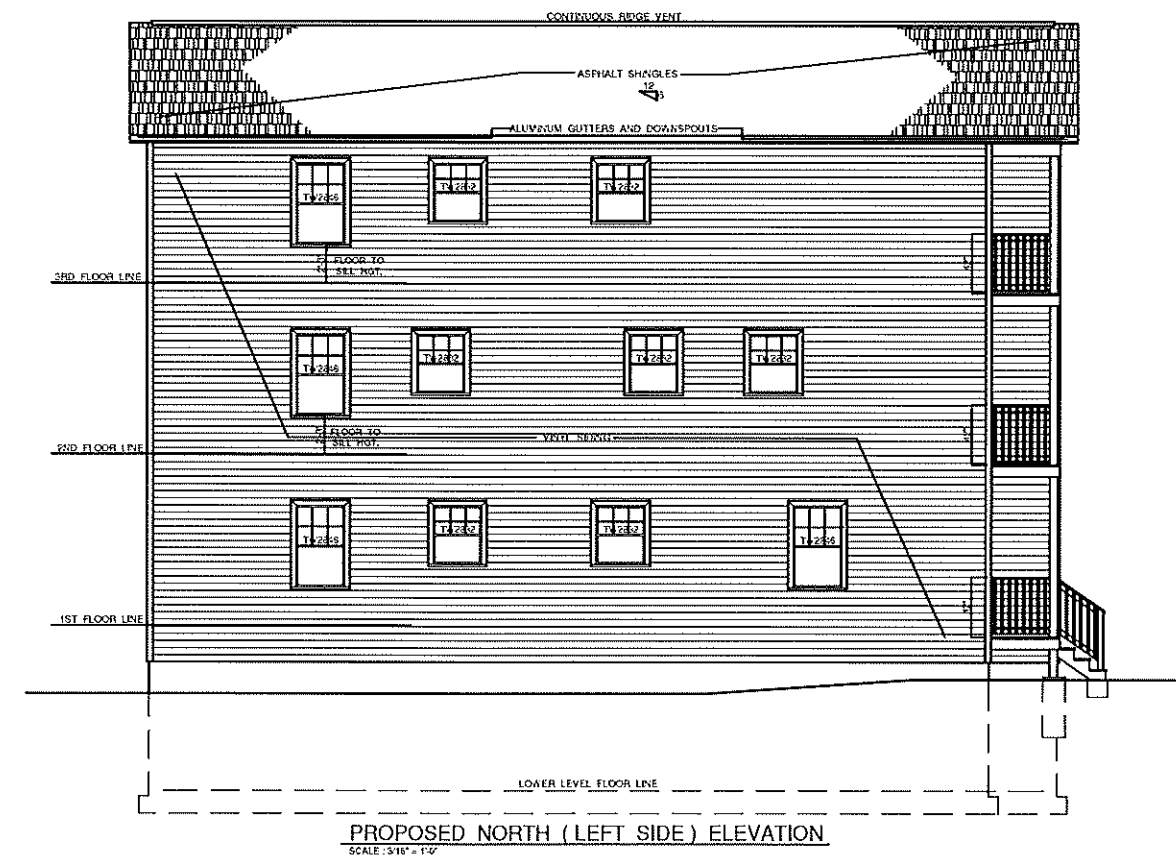
PROPOSED WEST (FRONT) ELEVATION
 (FACING PINEHURST AVENUE)
 SCALE: 3/16" = 1'-0"



PROPOSED SOUTH (RIGHT SIDE) ELEVATION
 SCALE: 3/16" = 1'-0"



PROPOSED EAST (REAR) ELEVATION
 SCALE: 3/16" = 1'-0"



PROPOSED NORTH (LEFT SIDE) ELEVATION
 SCALE: 3/16" = 1'-0"

Project :
**PROPOSED 24' x 53', 3-STORY,
 2 - FAMILY DWELLING**
 115 PINEHURST AVENUE
 PROVIDENCE, R.I.

Greg W. Bagian
 (401)-464-2601

Date : 6/1/20

Scale : N.T.S

Drawn by : GB

A.P. : 120

Lot No. : 288

Drawing No. :

2

2 OF 2 DWGS.

**List of Owner's within a 200' Radius of
A.P. 120 Lot 287
115 Pinehurst Street
Providence, RI
As of June 4, 2020**

A.P. 140	NAME/ADDRESS
10, 278, 281 292, 338, 485, 484	SHELDON E. SCHWARTZ 5 ABERNATHY ROAD LEXINGTON, MA 02420
93, 285, 291 333, 334, 342	43 EATON LLC 14 GLEN AVENUE CRANSTON, RI 02905
215, 269, 341	SPARTAN LLC 14 GLEN AVENUE CRANSTON, RI 02905
217	VERITAS HOLDING LLC 150 CHESTNUT STREET PROVIDENCE, RI 02903
218	JEANNE BELOVITCH 117 RADCLIFFE AVENUE PROVIDENCE, RI 02908
219	ANTONSON IRREV. CHILDREN'S TRUST 114 RADCLIFFE AVENUE PROVIDENCE, RI 02908
220	MANUEL PERRY PO BOX 582 PORTSMOUTH, RI 02871
221, 272	FEDERAL HILL CAPITAL LLC 536 ATWELLS AVENUE PROVIDENCE, RI 02909
222	LSL GRIFFIN GROUP LLC. 882 BROAD STREET PROVIDENCE, RI 02907
268	SEAN J. WATERS 98 RADCLIFFE AVENUE PROVIDENCE, RI 02908
346	CHARLES MOURADJIAN MARY MOURADJIAN 121 TYNDALL AVENUE PROVIDENCE, RI 02908-2919
347	FRANCIS E. GARVEY JR. MARY GARVEY 117 TYNDALL AVENUE PROVIDENCE, RI 02908-2919
348	ANTHONY CAPRIO 70 GANSETT AVENUE CRANSTON, RI 02910
349	JOHN J. MORAN PATRICIA D. MORAN 107 TYNDALL AVENUE PROVIDENCE, RI 02908-2919
350, 351	HAZEL KIZIRIAN TRUSTEE HAZARHAM KIZIRIAN TRUST 1 BROOKFARM ROAD PROVIDENCE, RI 02904-3405
429 MERCEDES	FRANCHEZKA D. PAYANO- 36 CHAD BROWN ST. PROVICENCE, RI 02908-2955

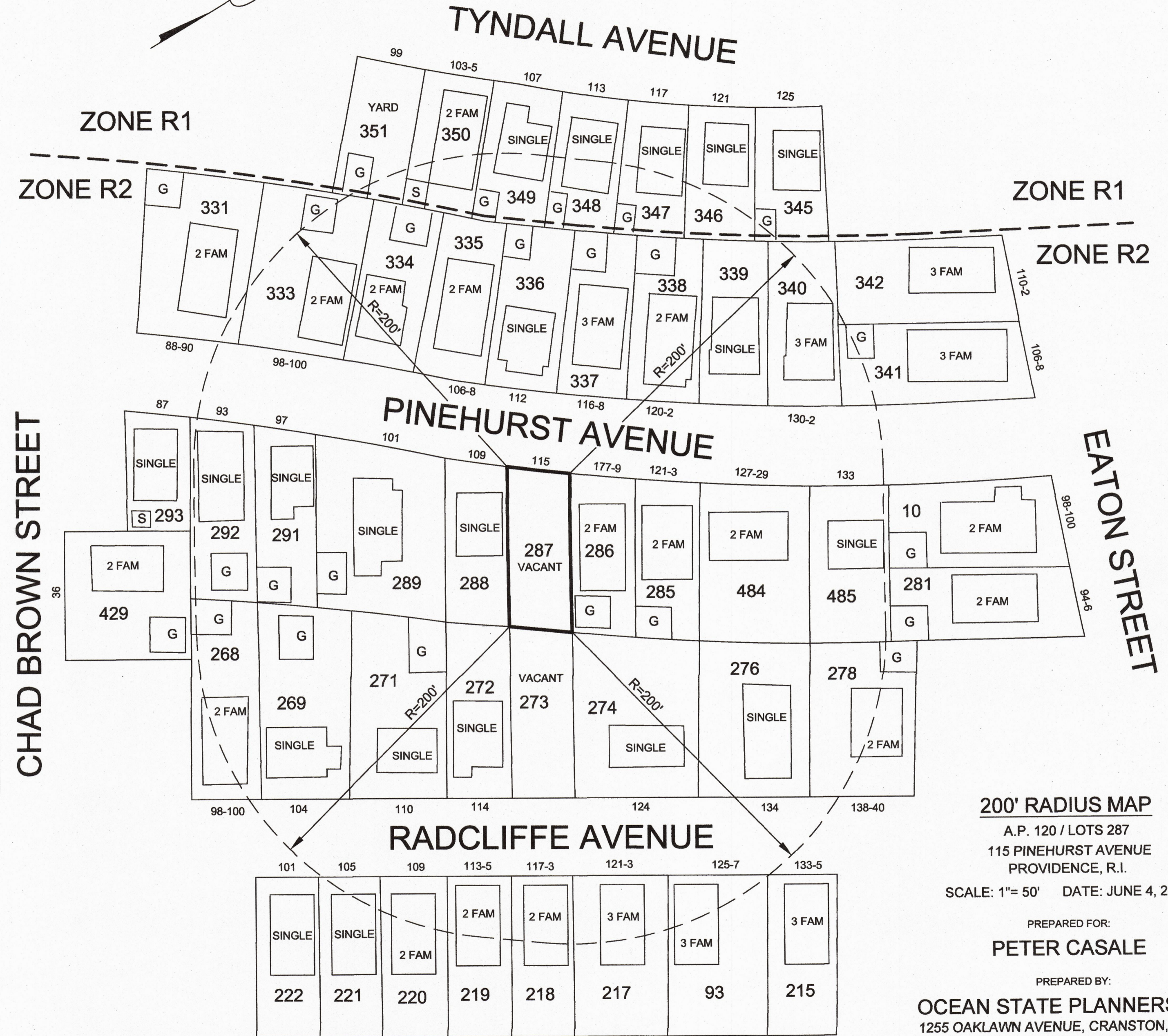
271	ROY C. BAHAM LULA M. BAHAM 110 RADCLIFFE AVENUE PROVIDENCE, RI 02908-2945
273	ROBERT A. DAMICO 536 ATWELLS AVENUE PROVIDENCE, RI 02908
274	JENNIE MILDNER FOR LIFE 124 RADCLIFFE AVENUE PROVIDENCE, RI 02908-2945
276	20 EATON LLC 1300 DIVISION ROAD STE 203 WEST WARWICK, RI 02893-
7558	239-241 OAKLAND LLC 1300 DIVISION ROAD STE 203 WEST WARWICK, RI 02893
286, 335, 336 339, 340	MILDRED A. BUCHANAN FOR LIFE JANE GARABEDIAN, JOHN BUCHANAN 109 PINEHURST AVENUE PROVIDENCE, RI 02908-2940
288	NANCY RIZZA P. MELLA JAMES DANIEL PAGUYO 101 PINEHURST AVENUE PROVIDENCE, RI 02908-2940
289	MARY A. MURPHY 87 PINEHURST AVENUE PROVIDENCE, RI 02908-2940
293	ELMHURST PROPERTIES II LLC 1300 DIVISION ROAD WEST WARWICK, RI 02893
331	MICHAEL F. NASH 116 PINEHURST AVENUE PROVIDENCE, RI 02908
337	DONALD J. KAVANAGH TRUSTEE 11 CROSSWAYS AVENUE BARRINGTON, RI 02806
345	

ZONING DISTRICT R-1

MINIMUM LOT AREA NONE
MINIMUM LOT FRONTAGE NONE
MINIMUM SETBACKS: FRONT AVERAGE ALIGNMENT / FOOTNOTE 402.B
SIDE LOT WIDTH OVER 40' : 6' MINIMUM PER SIDE
REAR 25% OF LOT DEPTH OR 25' WHICHEVER IS LESS
TOTAL MAXIMUM IMPERVIOUS SURFACE COVERAGE: 65%
MAXIMUM IMPERVIOUS SURFACE COVERAGE REAR YARD: 50%
MINIMUM CORNER SIDE SETBACK: SAME AS FRONT SETBACK
ARTICLE 15-1 TREE CANOPY COVERAGE 30%

ZONING DISTRICT R-2

MINIMUM LOT AREA NONE
MINIMUM LOT FRONTAGE NONE
MINIMUM SETBACKS: FRONT AVERAGE ALIGNMENT / FOOTNOTE 402.B
SIDE LOT WIDTH OVER 40' : 6' MINIMUM PER SIDE
REAR 25% OF LOT DEPTH OR 25' WHICHEVER IS LESS
MINIMUM CORNER SIDE SETBACK: SAME AS FRONT SETBACK
TOTAL MAXIMUM IMPERVIOUS SURFACE COVERAGE: 65%
MAXIMUM IMPERVIOUS SURFACE COVERAGE REAR YARD: 50%
ARTICLE 15-1 TREE CANOPY COVERAGE 30%



200' RADIUS MAP

A.P. 120 / LOTS 287
115 PINEHURST AVENUE
PROVIDENCE, R.I.

SCALE: 1" = 50' DATE: JUNE 4, 2020

PREPARED FOR:
PETER CASALE

PREPARED BY:
OCEAN STATE PLANNERS, INC.
1255 OAKLAWN AVENUE, CRANSTON, RI 02920
PHONE: (401) 463-9696 info@osplanners.com

JOB NO. 9681 / DWG. NO. 9681 - (JNP)

GRAPHIC SCALE / 1" = 50'

