

FEB 08 2022

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 Variance

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

Applicant: Richard Park

Address 118 Daboll St

Zip Code 02907

E-mail rpark1992@gmail.com

Phone 678-799-0805
Home/Office

678-799-0805
Mobile (Cell)

Owner: Richard Park

Address 118 Daboll St

Zip Code 02907

E-mail rpark1992@gmail.com

Phone 678-799-0805
Home/Office

678-799-0805
Mobile (Cell)

Lessee: N/A

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:** 118 Daboll St, Providence, RI 02907

Street Address

R3

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

Special purpose or overlay district(s): _____

3a. **Date owner purchased the Property:** April 2, 2021

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

3. Dimensions of each lot:

Lot # 743	Frontage 50	depth 160	Total area 8000	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	6,940
Footprint 1,810	Height TBD	Floors 3

Accessory Structure:	Total gross square footage	N/A
Footprint _____	Height _____	Floors _____

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

6a. Existing Lot coverage: (include all buildings, decks, etc.) 22.6%

6b. Proposed Lot coverage: (include new construction) 22.6%

7a. Present Use of Property (each lot/structure):
3-family home

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards:
3-family home

8. Proposed Use of Property (each lot/structure):
3-family home (no change)

9. Number of Current Parking Spaces: 6

10. Describe the proposed construction or alterations (each lot/structure):
Addition of curb cut at rear of property

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:

1407.B.2.	Single-family, two-family, semi-detached and three-family dwellings are limited to one curb cut.
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

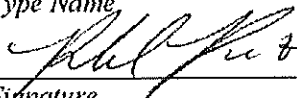
Addition of curb cut at rear of property

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.

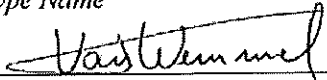
The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal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

Owner(s):

Richard Park
Type Name

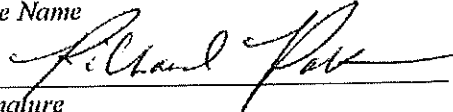

Signature

Thomas Van Wemmel
Type Name

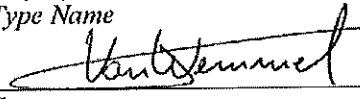

Signature

Applicant(s):

Richard Park
Type Name


Signature

Thomas Van Wemmel
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?**

See attachment.

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

See attachment.

3. (a) **Is the hardship caused by an economic disability?** Yes _____ No x _____

(b) **Is the hardship caused by a physical disability?** Yes _____ No x _____

- (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 x _____

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.

See attachment.

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).

See attachment.

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.

See attachment.

APPENDIX A

Application for Variance – responses to questions

Question 1: What is the specific hardship from which the applicant seeks relief?

We are seeking a dimensional variance from the limit of one curb cut for a three-family dwelling (Section 1407(B)). The current and sole curb cut onto the lot from Daboll St introduces risk of building damage, tenant vehicle damage, and tenant personal injury, as well as strict limitations for access by service vehicles. The current and sole curb cut also limits the accessibility and practical usefulness of potential green areas on the lot.

Establishing a second curb cut on this unique through-lot would create a dedicated one-way, one-lane driveway entering the front of the lot from Daboll St and exiting via the rear of the lot onto Mawney St. Doing so would specifically improve safety for the building and its tenants, provide important, as-needed access for service vehicles, introduce much-needed green area to the neighborhood, and achieve ordinance conformity of the lot overall for the betterment of the community and the neighborhood environment.

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

118 Daboll St is a through lot with frontages on two parallel streets (Daboll St along the front lot line and Mawney St along the rear lot line). The lot is 160 ft long and 50 ft wide, giving a total of 8,000 sq ft of land. 118 Daboll St is a through lot due to the demolition of what was previously a 2-family dwelling at 33 Mawney St (See below Image 1 and Image 2) sometime between 1900 and 2012 (based on the 1900 Sanborn Fire Insurance Map and the current Providence Assessors' online database).

The unique length of the lot poses multiple design challenges due to the single curb cut and the resulting balancing act between accessibility, functionality, practicality, and ability to add green areas and permeable landscaping.

- The current curb cut (along Daboll St) and the driveway provides an accessible loading zone when exiting the lot and an unloading zone when entering the lot. This is an important and positive aspect of the current plan.
- The current parking area is highly functional and allows tenants and their guests multiple off-street parking spaces which greatly reduces the strain on the already-limited on-street parking spaces. However, the use of the entire rear yard for parking limits the available areas of potential green spaces/permeable landscaping.
- With just one curb cut, the potential green areas of the property are limited to one of two main sections of the rear yard, and both options would reduce the number of parking spaces: a green area in the far rear yard or in the near rear yard (Image 3).
 - With the green area in the far rear yard, the green area could be larger since no vehicles would need access to the area. It would also align with the existing significant tree on the lot in the southwest corner. This positioning allows the parking area to be adjacent to the building and therefore practical and accessible for building tenants. Unfortunately, this position dramatically reduces the functionality of having a green area as it would be positioned too far to be of any functional or practical use. Since the goal is to generate the best and highest use of the lot, such an impractical position of the green area will not be a logical investment.

- o With the green area in the near rear yard, the green area would have a smaller footprint as cars would need to drive past to park in the far rear yard. The green area would be even further reduced in size due to the need for a larger parking area footprint to accommodate the turning radius required for each parking space to safely turn and exit the lot. Unfortunately, this position of the green area would not conform to the zoning ordinance requiring 50% of the rear yard to be permeable. Since the goal is to generate the best and highest use of the lot, the reduced size of the green area would also not be a logical investment.

Today, roughly ½ of the combined lot is entirely used for parking and is impervious. The asphalt driveway leading to the parking area is also impervious. The lot overall is therefore non-conforming with the Providence Zoning Ordinance with respect to the maximum impervious surface coverage for the rear yard (50%) and total maximum impervious surface coverage (65%). We estimate that the current impervious surface coverage is 90% of the overall front and rear yards (excluding the building footprint).

There are additional unique characteristics of the lot and building that further exacerbate the hardships and underline that the request to add an additional curb cut to the lot would be the least relief necessary to lessen or eliminate the hardships.

- The building sits <5 ft to the front lot line, which dramatically obscures important sightlines of the sidewalk especially for exiting vehicles. The sidewalk on this side of Daboll St sees heavy foot traffic given the day-care center at the end of the street and Gilbert Stuart Middle School just one block across Elmwood Avenue. Approving the Mawney St curb cut permits the Daboll St curb cut to be a dedicated entry into the property and thereby eliminating any risk associated with reduced sightlines while exiting the lot.
- Similar in nature to the above regarding a hazard for pedestrians, Daboll St is a one-way street with street parking on both sides, and so to exit requires a right turn in the direction away from Elmwood Avenue and across the front façade of 118 Daboll St. It just so happens that the distance between the end of the curb cut and the start of the curb cut for the adjacent neighbor fits exactly two vehicles (Image 3). Ultimately, these two street-parked cars along the front façade of the building end up requiring any exiting vehicle to make an immediate 90-degree turn within 1-2 yards in order to exit. And because cars are not designed to make such sharp turns, every exiting vehicle must take between 3- to 7-point turns **while driving back-and-forth onto the pedestrian sidewalk** in order to safely exit without damage to the building and to the street-parked cars.
- Similar in nature to the above points regarding a hazard for pedestrians, this required 3- to 7-point turn in order to exit is even further exaggerated for larger vehicles and especially service vehicles who must make these types of turns also while entering the lot. Even now as we get quoted for potential building exterior and front and rear yard landscape work, we are being told that access will be the biggest barrier to successful site preparation and work completion. We have witnessed many times already these vehicles getting “stuck” due to the one-way Daboll St and many instead turn around and drive towards Elmwood Avenue illegally just to exit our driveway. Needless to say, those service companies followed-up with actual bids or priced themselves out to avoid the work.

Image 1



Image 2

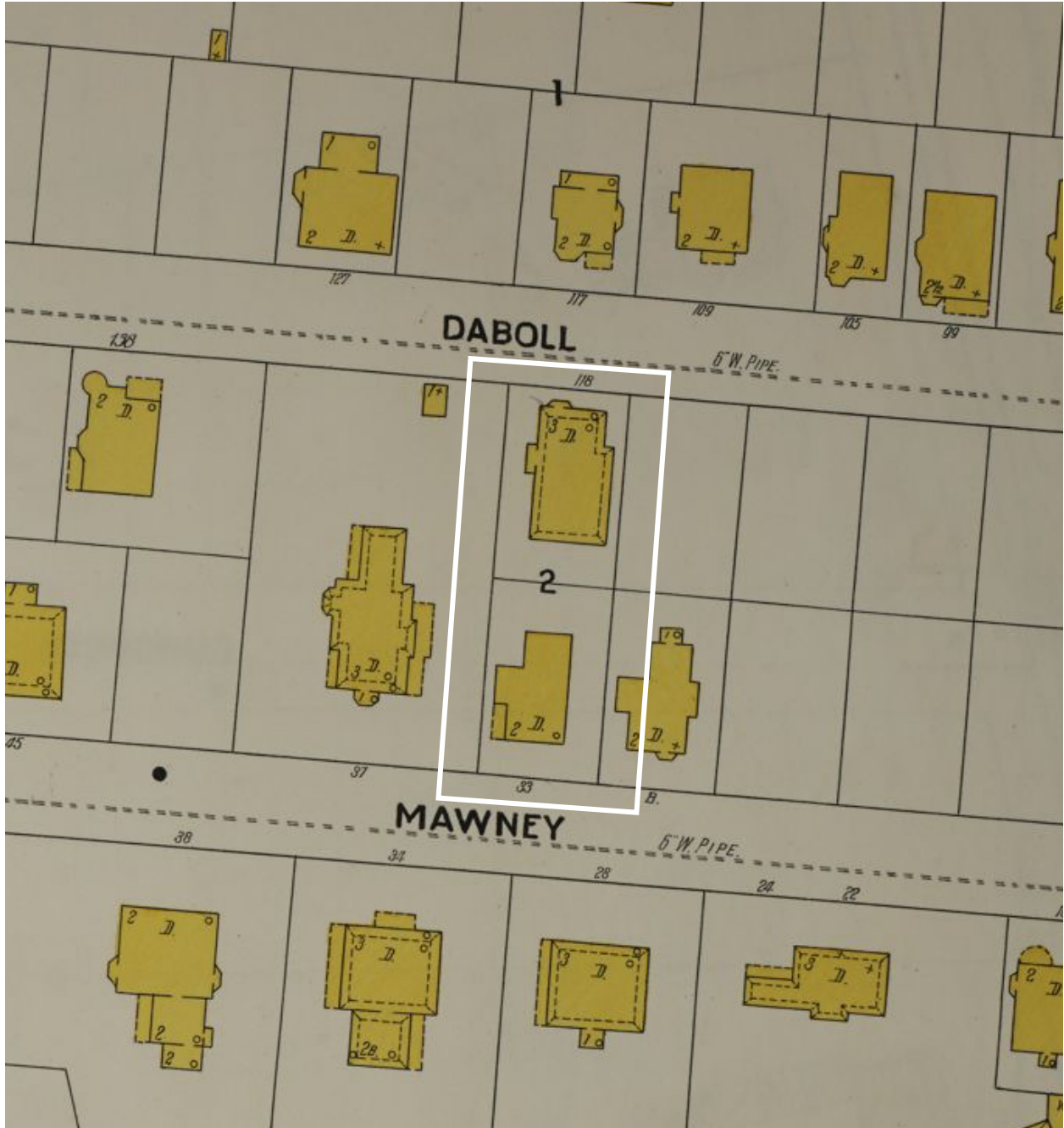


Image 3

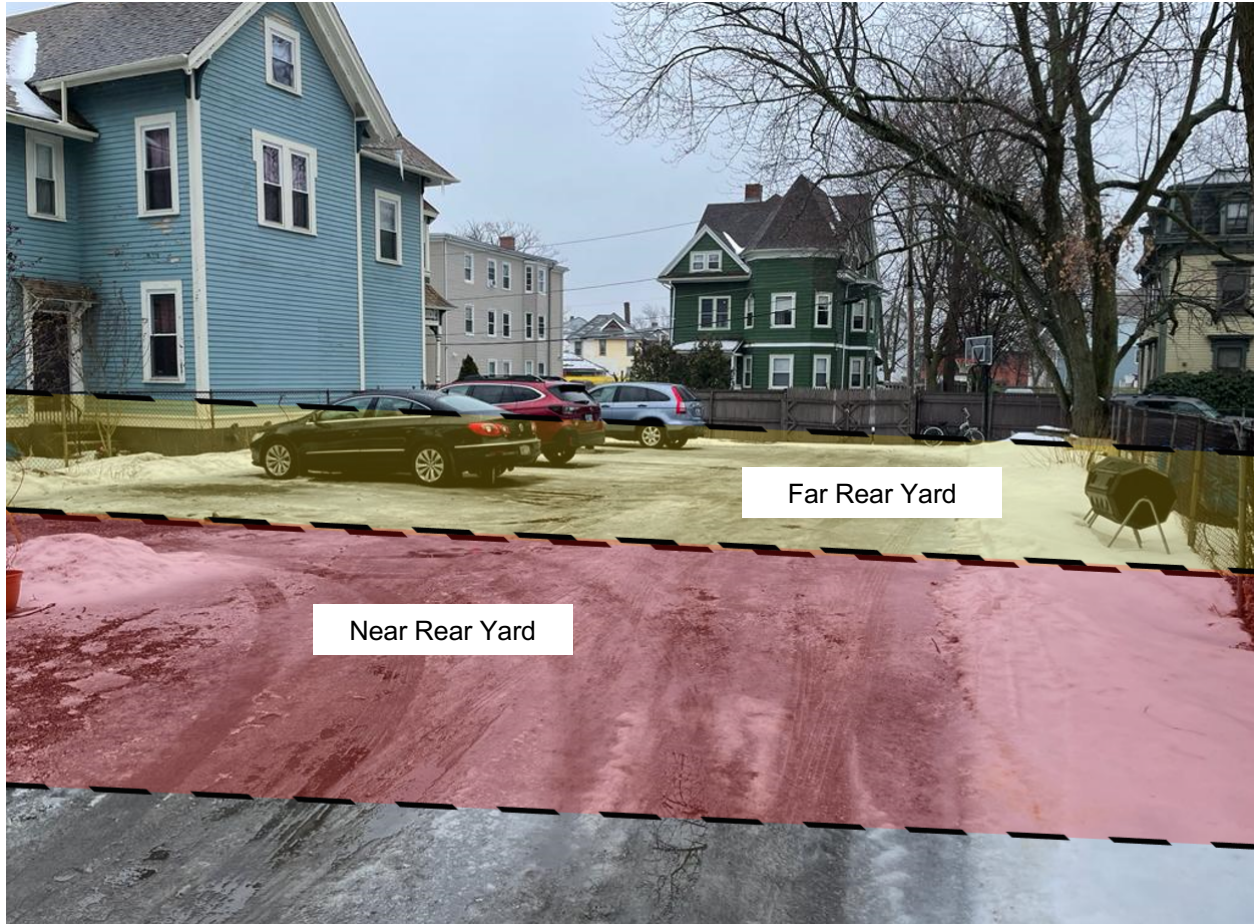


Image 4



Question 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.

When we purchased this home, we knew that we had found our “forever” home. Though I grew up in Atlanta, I moved to Providence in 2011 to attend college. After graduating and leaving Providence in 2018, I looked for ways to get back because I truly believe in the city and am excited for its future. For Thomas, my husband, he fell in love with Providence during our first trip here together (his first time in Rhode Island) because of how much the residential areas reminded him of the unique homes also found near his childhood home outside of Brussels, Belgium.

I wanted to explain this background because it is important for the Board to understand that what we propose is not in a bid to invest and then quickly sell. Since we have no intention of selling the home and hope to age in place, we have every motivation to make this home the safest, the most practical, and the most functional that it can be for us and our future family. We identify as stewards of this historic home, and we hope that you see that we care for the lot, the building, and our community deeply.

We hope that the additional landscaping plans we have submitted along with the curb cut plan detail our commitment to bring the entire lot in compliance with the zoning ordinance while ensuring that the issues we raised above are addressed in a way that is sustainable well into the future as we age in place.

Question 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).

Ultimately, there are five main goals we hope to accomplish with this second curb cut:

- Improve safety for ourselves, our tenants, and the community’s pedestrians – especially for the many children who use the sidewalk today to go to school
- Establish a dedicated one-way, single lane driveway entering from Daboll St and exiting via Mawney St
- Eliminate (or at least minimize) the risk of damage to the building and to our and our tenants’ vehicles
- Improve accessibility for service vehicles to ensure we have adequate support for the long-term maintenance of the building and lot
- Ensure continued vehicle access to the building’s side entrance for accessibility when loading and unloading

To accomplish these goals, after going back and forth with numerous other options, this is truly the least relief necessary to lessen or eliminate the hardship **and simultaneously** bring the lot into conformity with the remainder of the Providence Zoning Ordinance.

Question 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.

All of the issues presented above will persist without this variance. Pedestrians will still be put at risk – including the school-aged children who reside in the building. The risk of damage to vehicles and the building will still be present. The sightlines to safely exit will still be obscured by the building and street-parked vehicles. And we will continue to have difficulty with hiring and retaining home maintenance service providers due to their inability to properly and safely have access to the property.

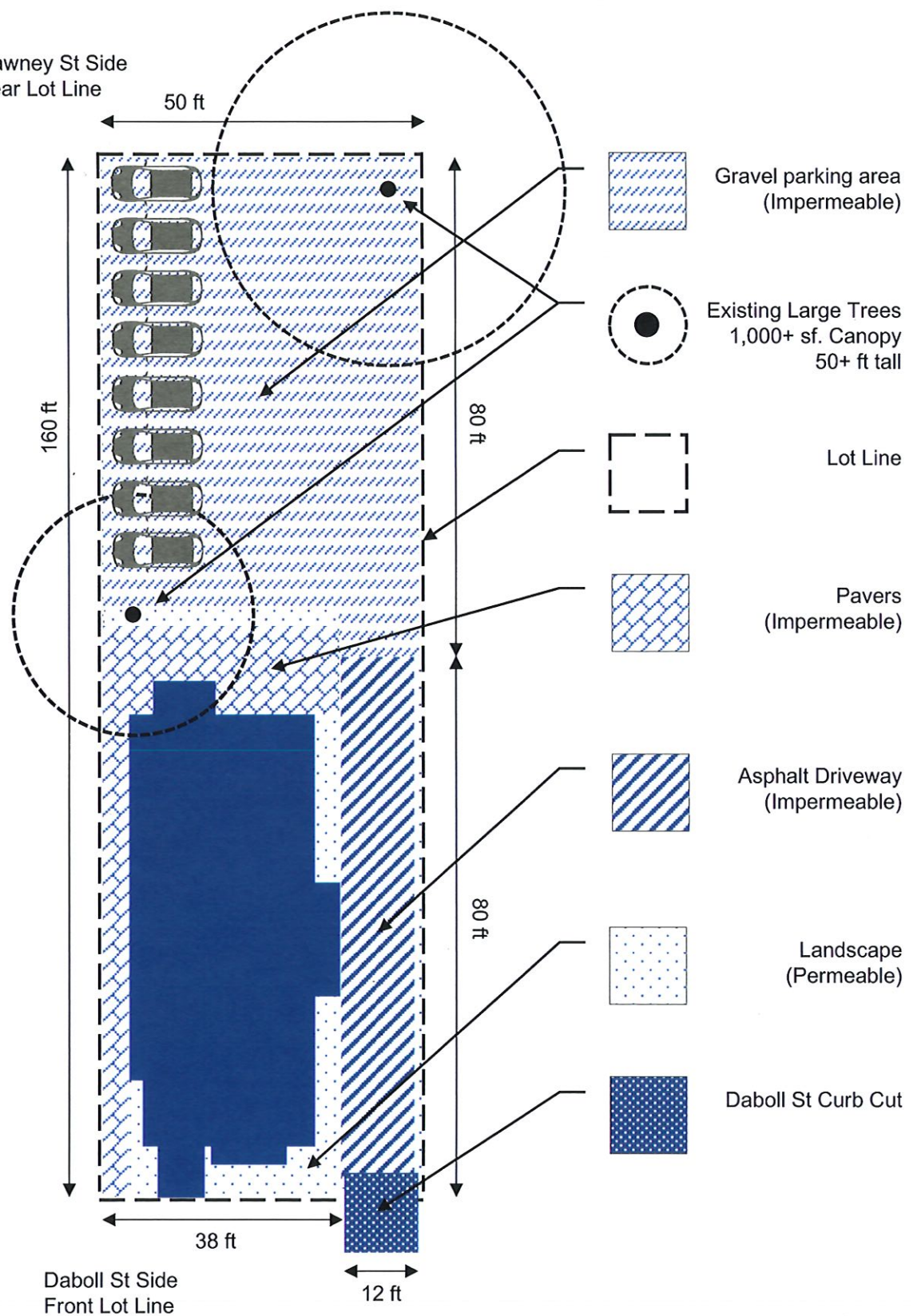
We thank you for your time and your thoughtful consideration of this variance application.



EXISTING PLAN, FEBRUARY 7, 2022

(As-Is)

Mawney St Side
Rear Lot Line



Daboll St Side
Front Lot Line

Gravel parking area
(Impermeable)

Existing Large Trees
1,000+ sf. Canopy
50+ ft tall

Lot Line

Pavers
(Impermeable)

Asphalt Driveway
(Impermeable)

Landscape
(Permeable)

Daboll St Curb Cut



View of rear lot towards Mawney St (angle 2)



View of rear lot towards Mawney St (angle 1)



View of rear lot towards Daboll St (angle 1)



View of rear lot towards Daboll St (angle 2)



View of curb cut from across Daboll St
(angle 1)



View of curb cut from across Daboll St
(angle 2)



View along driveway towards Mawney St



View along driveway towards Daboll St

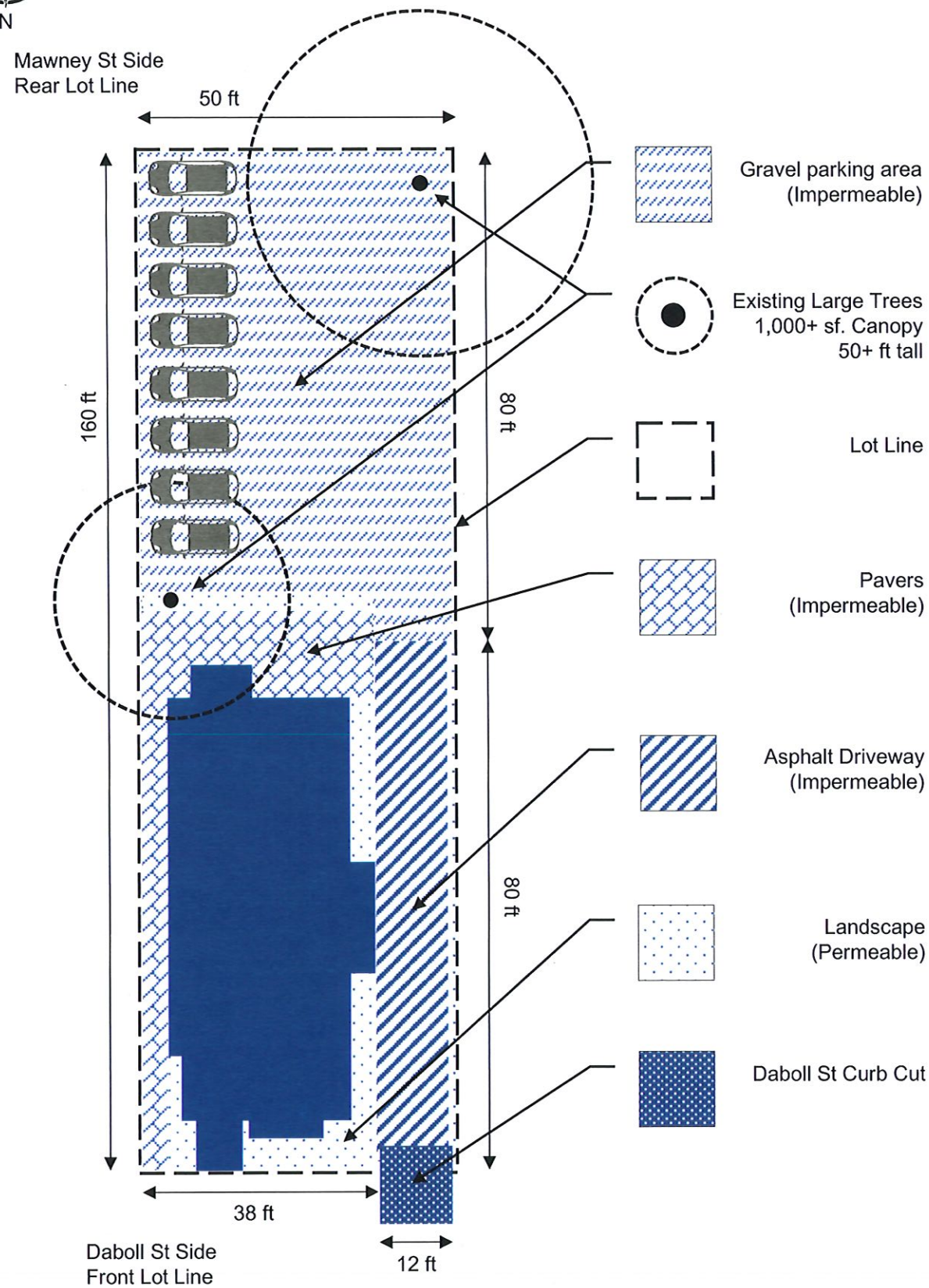
PROPOSED CURB CUT ADDITION
 118 DABOLL ST
 PROVIDENCE, RI 02907








CONTENTS:
 LOT PLAN

BY: Richard Park
 Thomas Van Wemmel

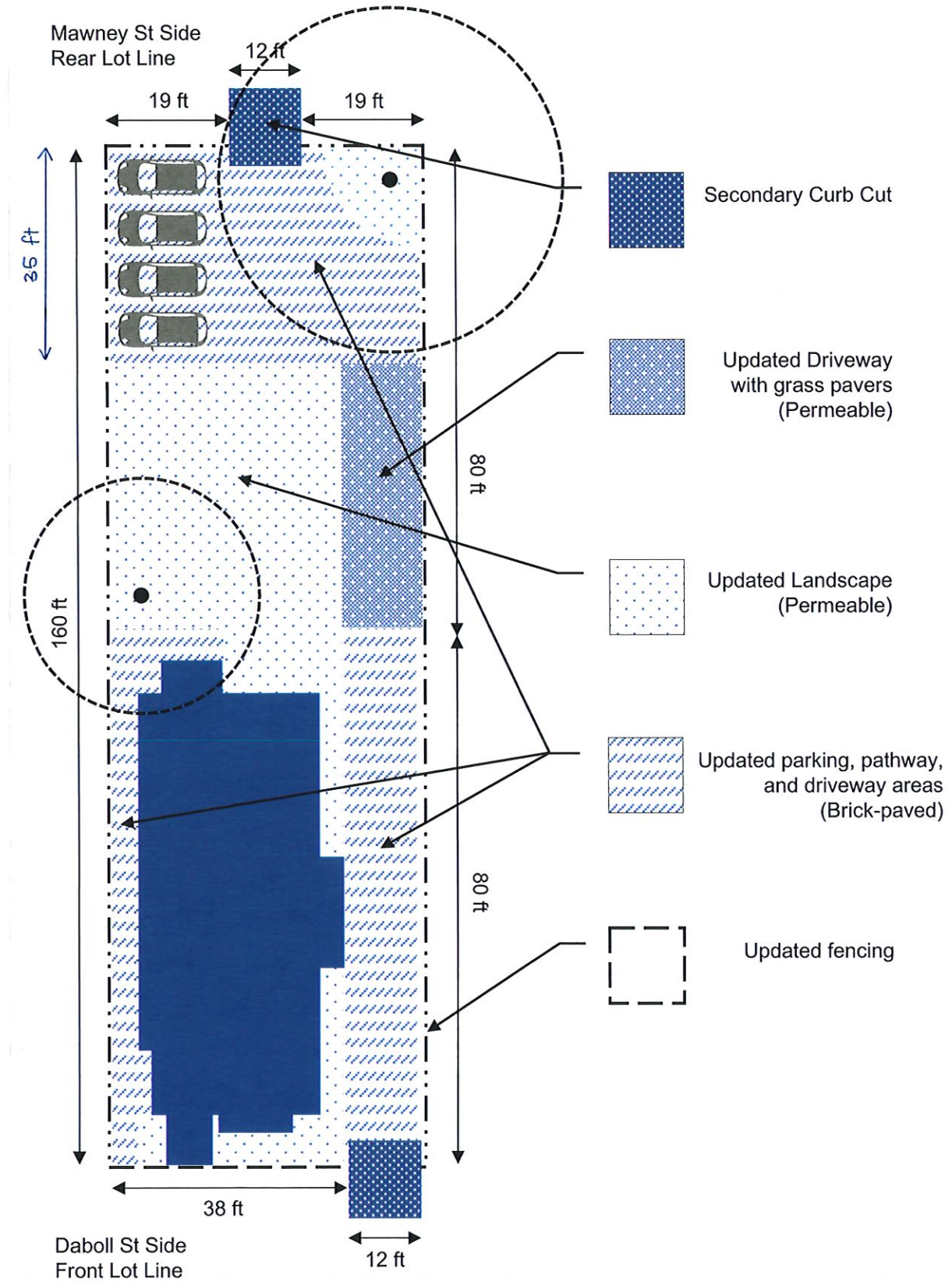







EXISTING PLAN, FEBRUARY 7, 2022 (As-Is)



-  Gravel parking area (Impermeable)
-  Existing Large Trees
1,000+ sf. Canopy
50+ ft tall
-  Lot Line
-  Pavers (Impermeable)
-  Asphalt Driveway (Impermeable)
-  Landscape (Permeable)
-  Daboll St Curb Cut

PROPOSED PLAN



-  Secondary Curb Cut
-  Updated Driveway with grass pavers (Permeable)
-  Updated Landscape (Permeable)
-  Updated parking, pathway, and driveway areas (Brick-paved)
-  Updated fencing

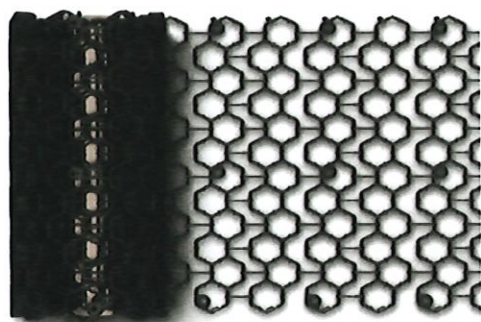
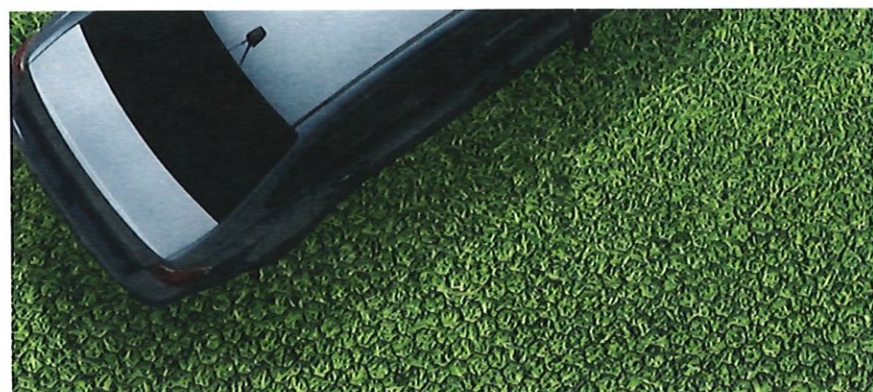
PROPOSED CURB CUT ADDITION
 118 DABOLL ST
 PROVIDENCE, RI 02907

CONTENTS:
 LOT PLAN

BY: Richard Park
 Thomas Van Wemmel



Likeness of red brick herringbone pattern for parking, pathway, and driveway areas (1)

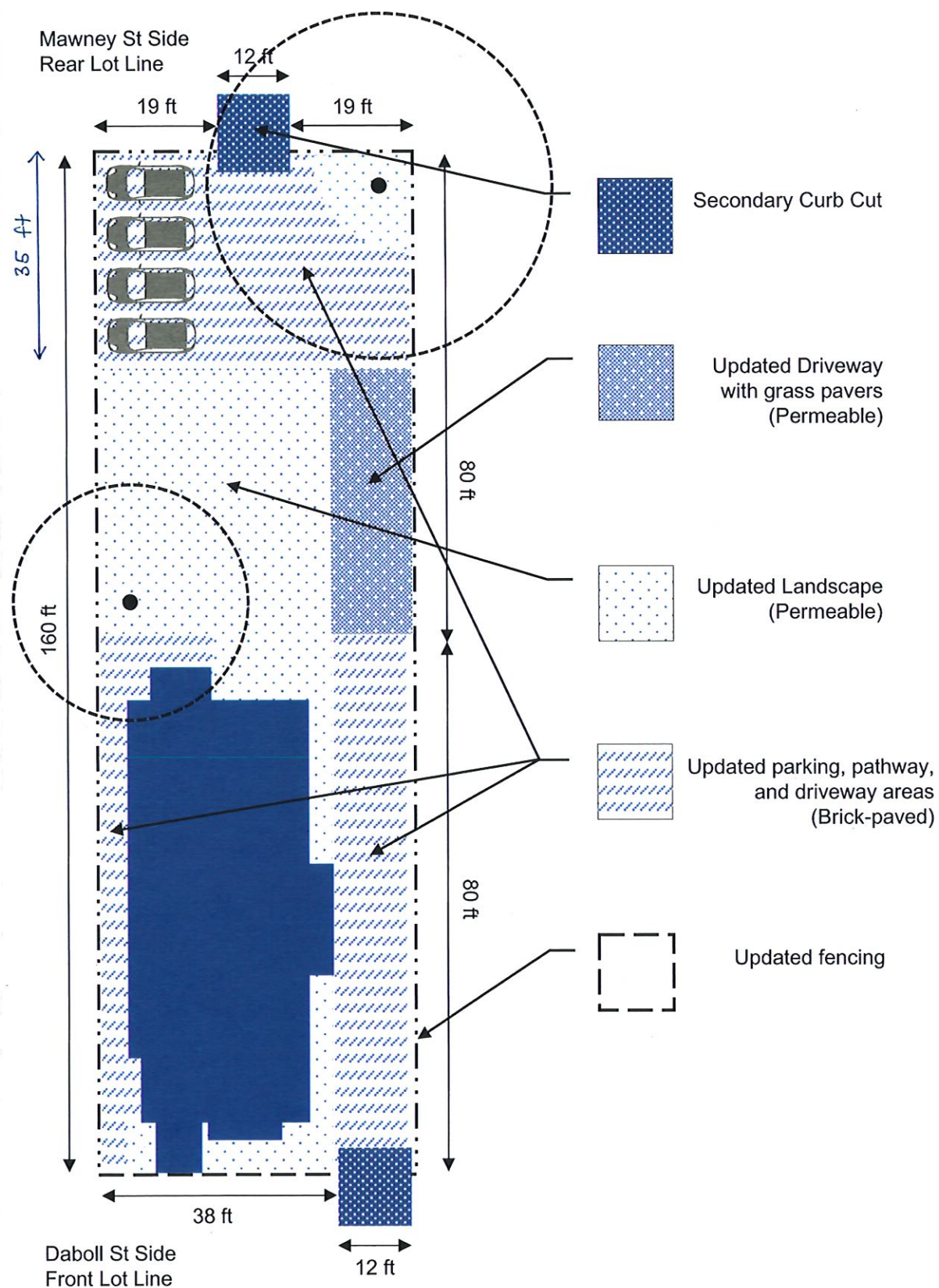


Permeable EZ Roll Grass Paver (or like) product by NDS to be used for middle driveway section (2)



Cedar horizontal fencing plans for the updated fencing to replace the current chain link fence bordering adjacent lots and replacing the dilapidated wooden fence along the rear lot line (3)

PROPOSED PLAN & MATERIALS



(1) *Brick Pavers Review: Pros and Cons. Are Brick Pavers Right for You?* Jeff Beneke. 19 June 2021. <https://www.thespruce.com/pros-and-cons-of-brick-paver-1398074>
 (2) *EZ-Roll Grass Pavers.* NDS. 2018. <https://www.ndspro.com/products/permeable-pavers/ez-roll-grass-pavers.html>
 (3) *Beautiful Modern Fence Design Ideas.* Cyndy Aldred. 13 April 2018. <https://www.thecreativityexchange.com/2018/04/beautiful-modern-fence-design-ideas.html>

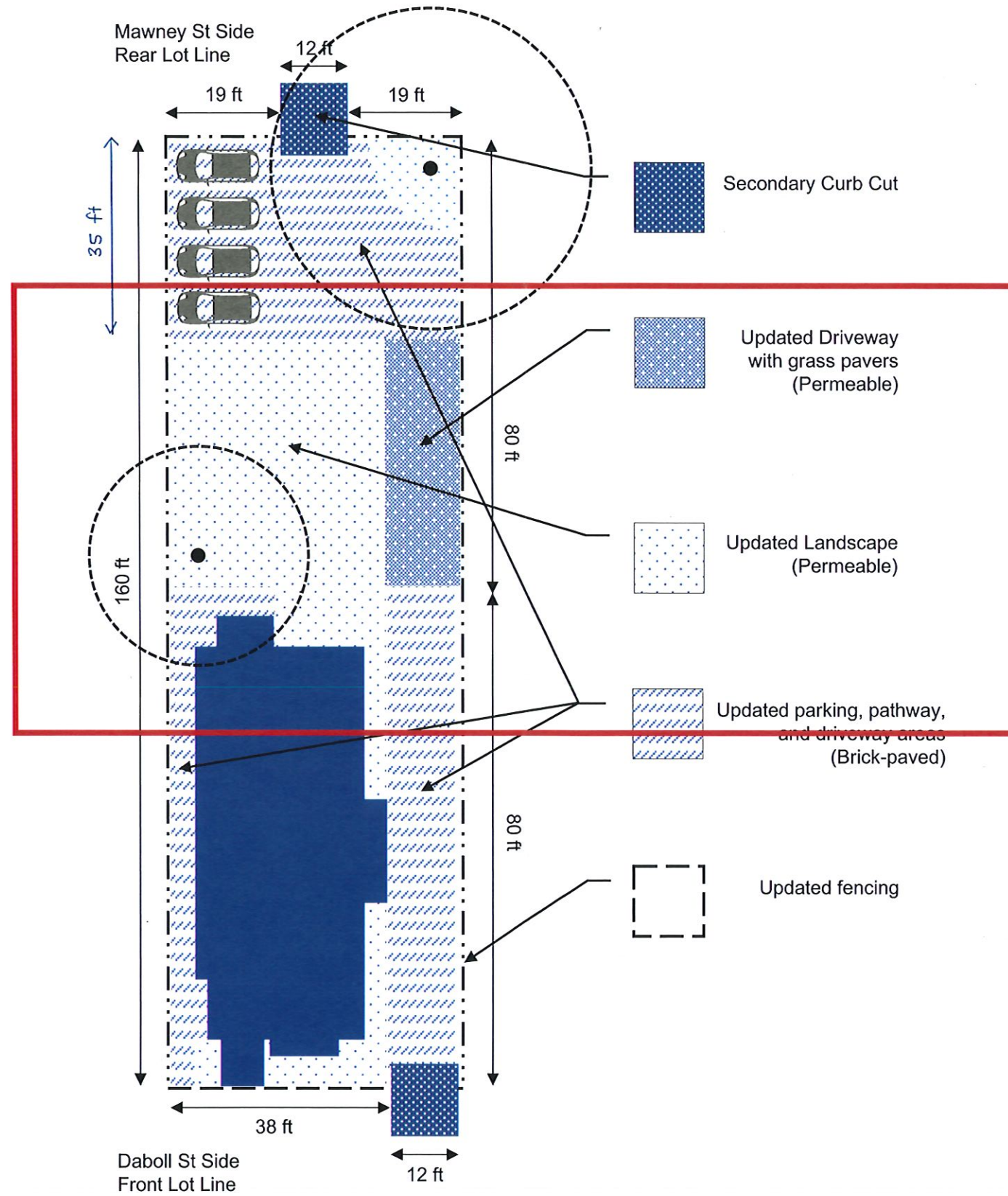
PROPOSED CURB CUT ADDITION
 118 DABOLL ST
 PROVIDENCE, RI 02907

CONTENTS:
 LOT PLAN

BY: Richard Park
 Thomas Van Wemmel



PROPOSED LANDSCAPING PLAN TO CREATE NEEDED GREEN AND USABLE SPACE



PROPOSED CURB CUT ADDITION
118 DABOLL ST
PROVIDENCE, RI 02907

CONTENTS:
LOT PLAN

BY: Richard Park
Thomas Van Wemmel



PROPOSED LANDSCAPING PLAN & PLANT SELECTIONS



European Beech Hedge separating parking area from grass area 3-5' height

<https://www.instanthedge.com/european-beech-hedge/>



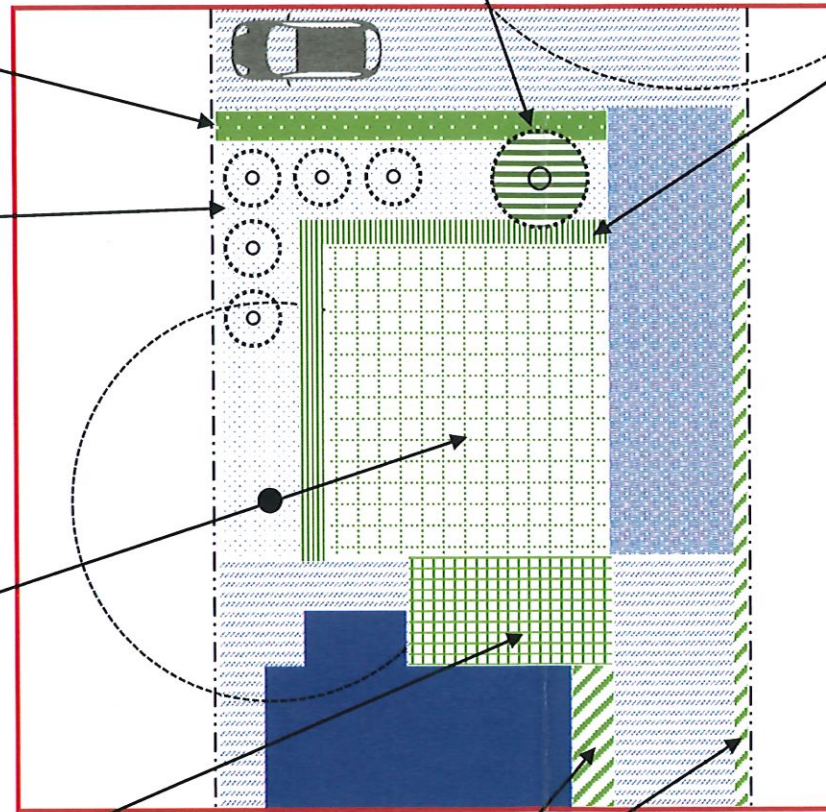
New tree planting: Magnolia Galaxy or Red Maple (depending on availability during planting season)

<https://www.gardenia.net/plant/magnolia-galaxy>

<https://www.arboday.org/trees/tree-guide/treedetail.cfm?itemID=867>



Keeping two (2) existing Hibiscus trees and relocating three (3) existing Hibiscus Trees (personal photos below)



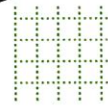
Border of wildflowers incl. New England Asters, Japanese Anemones, Geranium Sanguineum, and Alchemilla Mollis

<https://www.gardenia.net/plant-variety/aster-novae-angliae-new-england-asters>

<https://www.gardenia.net/plant-variety/japanese-anemones>

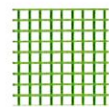
<https://www.gardenia.net/plant/geranium-sanguineum-bloody-cranesbill>

<https://www.gardenia.net/plant/alchemilla-mollis>



Standard grass lawn

<https://www.skh.com/thedirt/lawn-care-for-beginners/>



Variety of hydrangeas

<https://www.housebeautiful.com/lifestyle/gardening/a27196148/make-hydrangeas-change-color-gardening-tip/>



Boxwood Hedge to line the driveway fence and Lavender to line the opposite side along the building

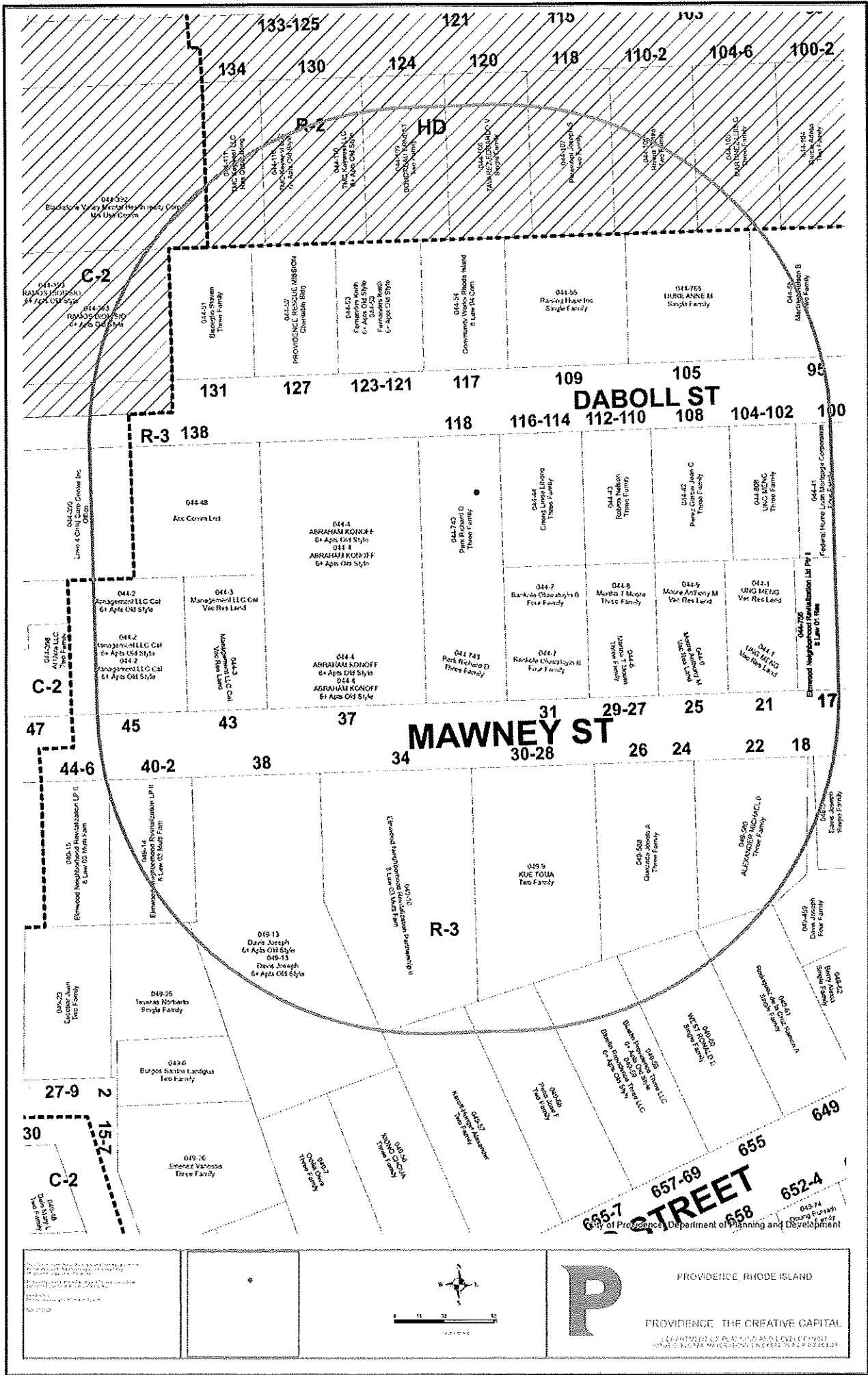
<https://www.veranda.com/outdoor-garden/q30914247/best-edging-plants/>



PROPOSED CURB CUT ADDITION
118 DABOLL ST
PROVIDENCE, RI 02907

CONTENTS:
LOT PLAN

BY: Richard Park
Thomas Van Wemmel



133-125 121 715 103
 134 130 124 120 118 110-2 104-6 100-2
 R-2 HD
 044-522 Blackstone Valley Mental Health Services Corp
 MA Uthl Clin
 044-523 RAKOS (50) (55K)
 64 Apt OH Style
 044-541 Bioggio Stream
 Three Family
 044-542 PROVIDENCE REXCUE ASSOCIATION
 Charitable Bldg
 044-543 Fennell
 Kath
 6 Apt OH Style
 044-544 Fennell
 Kath
 6 Apt OH Style
 044-545 Community Works Rhode Island
 5 Low 1st Com
 044-555 Rasing Hage Inc
 Single Family
 044-765 DURSIE ANNE M
 Single Family
 044-546 MARISSA LITIG
 Three Family
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PROVIDENCE, RHODE ISLAND
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