

JAN 11 2023

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: Brown University Address 1 Prospect St, Providence, RI
c/o Andrew M. Teitz, Esq. Zip Code 02912
 E-mail andyteitz@utrlaw.com
 Phone (401) 331-2222
 Home/Office _____ Mobile (Cell) _____

Owner: same Address _____
 Zip Code _____
 E-mail _____
 Phone _____
 Home/Office _____ 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:** 128 Power St.
Street Address
2. **Zoning District(s):** R-1
Special purpose or overlay district(s): Historic Overlay District
- 3a. **Date owner purchased the Property:** 5/10/2021
- 3b. **Month/year of lessee's occupancy:** _____

3. Dimensions of each lot:

Lot # 524	Frontage 99'-8"	depth 50'-1/2"	Total area 4975	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	3606
Footprint 1349 sf	Height 40'-0"	Floors 3

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

5. Size of proposed structure(s):	Total gross square footage:	2854
Footprint 1143 sf	Height 39'-5"	Floors 3

6a. Existing Lot coverage: (include all buildings, decks, etc.) 27%

6b. Proposed Lot coverage: (include new construction) 50.09%

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

Two-family dwelling

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

Two-family dwelling

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

Two (2) single-family dwellings - see attached narrative.

9. Number of Current Parking Spaces: 6

10. Describe the proposed construction or alterations (each lot/structure):

Please see attached narrative.

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:

Use and Dimensional Variances - See attached narrative.

13. Explain the changes proposed for the Property.

See attached narrative.

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): Brown University

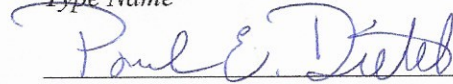
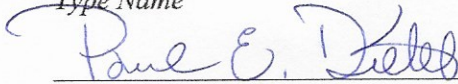
Applicant(s): Brown University

By: PAUL E. DIETEL

By: PAUL E. DIETEL

Type Name

Type Name



Signature

Signature

Assistant Vice President for Planning, Design and Construction, Brown University

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: See attached.

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

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

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.

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).

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.

Brown University – 126 Power Street
Narrative for Zoning Board Application – Use and Dimensional Variances

This narrative is provided in support of Brown University’s application for a use variance and dimensional variances for the property located at 126 Power Street, also known as Plat 16, Lot 534. The property currently contains a two-family dwelling, and as such, the property is legally nonconforming by use, as two-family dwellings are prohibited within the R-1 zoning district. At the request of abutting property owners and the historic preservation community, Brown is proposing to (1) convert the existing two-family dwelling to a single-family dwelling; and (2) construct a new single-family dwelling on the property. No exterior changes are proposed for the existing dwelling and therefore no dimensional relief is required for the existing dwelling. The newly-constructed single-family dwelling will require a use variance and dimensional variances as shown in the table below. The standards for the requested use and dimensional variances required for the development are addressed below.

Dimensional Relief Needed for New Single-Family Dwelling
Per Section 402.A, Table 4-1: Residential District Dimensional Standards

**Per Zoning Ordinance amendments effective 12/8/2022*

Standard	Required	Existing [dimension for existing two- family dwelling]	Proposed	Relief Requested
Maximum Building Coverage	45%	27%	50.09%	5.09%
Maximum Impervious Surface Coverage – Front Yard	33%	78.65% [decrease from existing]	50.75%	17.75%
Total Maximum Impervious Surface Coverage	65%	78.81%	70.6% (includes pervious pavers) [decrease from existing]	5.6%
Minimum front yard setback [per Sec. 402.B]	8’9”	4’4”	7’0”	1’9” [within allowable +/- 5’ deviation]
Minimum corner side setback [from Brook St.] for lot width 60’ or more*	10’	n/a	4’0”	6’
Minimum rear setback	12’6”	2’5”	4’0”	8’6”
Number of principal buildings on a lot [per Sec. 1300.A]	1	1	2	1

Brown University – 126 Power Street
Narrative for Zoning Board Application – Use and Dimensional Variances

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

The specific hardship from which the applicant seeks relief is the present configuration of the lot, which is slightly less than 5,000 sf in area (4,975 sf) and contains an existing two-family dwelling. The property is located in the R-1 zoning district, in which two-family dwellings are prohibited. The specific hardship is the existence of a two-family dwelling on a small lot – subdividing would result in two lots that are approximately 50 percent undersized.

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

The property is located within the R-1 zoning district, which has relatively limited options for uses that are permitted as of right or by special use permit. In addition, the property is within the Historic Overlay District, so development requires review and approval by the Historic District Commission. The HDC has already granted conceptual approval for the proposed development.

3. (a) Is the hardship caused by an economic disability?

No.

(b) Is the hardship caused by a physical disability?

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)?

No. Brown recently purchased the property in May 2021.

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.

Brown is seeking a use variance so that the existing two-family dwelling can be converted into a single-family dwelling, and a new single-family dwelling can be constructed on the property and both properties can be returned to the City tax roll. Once the new dwelling has been constructed, and the existing two-family dwelling has been converted into a single-family dwelling, both dwelling units will be turned into condominium units and will be sold through the 'Brown-to-Brown' program, which is designed to sell Brown-owned residential properties to eligible members of the faculty and staff. This program is intended to help Brown attract and retain faculty and staff, provide faculty/staff housing close to campus, place under-utilized properties into productive use, place properties on the City tax roll, and improve relations with neighbors and the City of Providence.

**Brown University – 126 Power Street
Narrative for Zoning Board Application – Use and Dimensional Variances**

- 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 existing configuration (two dwelling units in one structure) differs from the proposed configuration (two single-family dwellings on one lot), but both the existing and proposed configuration of the property calls for two dwelling units. The proposal calls for relocating one of the two existing dwelling units on the property to a newly-constructed building, resulting in two single-family residences on the property. This will have a beneficial effect on surrounding properties.

- 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.**

The property is currently utilized as student housing. While the current use might be considered “beneficial” in the financial sense of the word, since Brown can continue to receive the rent payments from the students living in this nonconforming two-unit building, finance is not on its own a justification for hardship. If one looks at the broader definition of “beneficial” which is “producing good results or helpful effects : conferring benefits” (www.merriam-webster.com), Brown is unable to produce “good results or helpful effects” without this variance, because Brown’s only use is to keep the existing nonconforming two-family student housing. Once the property is reconfigured to contain two single-family dwellings, and those dwellings are offered for sale to eligible Brown faculty and staff through the Brown-to-Brown program, the property will provide a benefit to the College Hill neighborhood. This program is a demonstration of Brown's commitment to the City of Providence and its College Hill neighbors by enabling Brown faculty and staff to live in the community. Furthermore, once sold, these properties will become taxable as privately-owned residential properties, adding to the tax base of the City of Providence.

- 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.**

As explained above, the proposed reconfiguration of the dwelling units on the property will benefit adjacent property owners and will make this property consistent with the surrounding neighborhood. Although the property will contain two single-family dwellings, which will be two separate condominium units, the nonconforming two-family use will be eliminated. Should Brown be denied the ability to reconfigure the dwelling units on the property as proposed, it would amount to more than a mere inconvenience by essentially limiting the future use of the property to student housing, rather than putting it to a use that is more beneficial to Brown and the College Hill community – providing family housing for professional faculty and staff affiliated with Brown.

**Brown University – 126 Power Street
Narrative for Zoning Board Application – Use and Dimensional Variances**

Addendum for Health Care Institutions or Educational Facilities

Date on which you last filed an Institutional Master Plan (“IMP”) with the City:

Brown’s IMP was filed and approved in 2017.

Date on which the City issued final approval of your most recent IMP:

Brown’s IMP was approved in 2017, with amendments in 2018, 2019, and 2020.

Specify the manner in which the proposed use conforms with your IMP.

The proposed development is consistent with Brown’s IMP; however it should be noted that this standard is not applicable because it is not a proposal to locate an institutional use in a Commercial or Downtown zoning district.

Identify all dimensional requirements that apply to the proposed institutional use (you may refer to sections of the Ordinance).

N/A – Neither the proposed use nor the zone in which it is located are institutional.

Does the proposed use comply with all the dimensional requirements listed above?

The proposed use requires use and dimensional variances as outlined above.

Identify the sections of the Ordinance that govern parking for the proposed use.

N/A

Describe the manner in which the institution is providing for parking for the proposed use (or attach proposed parking plan).

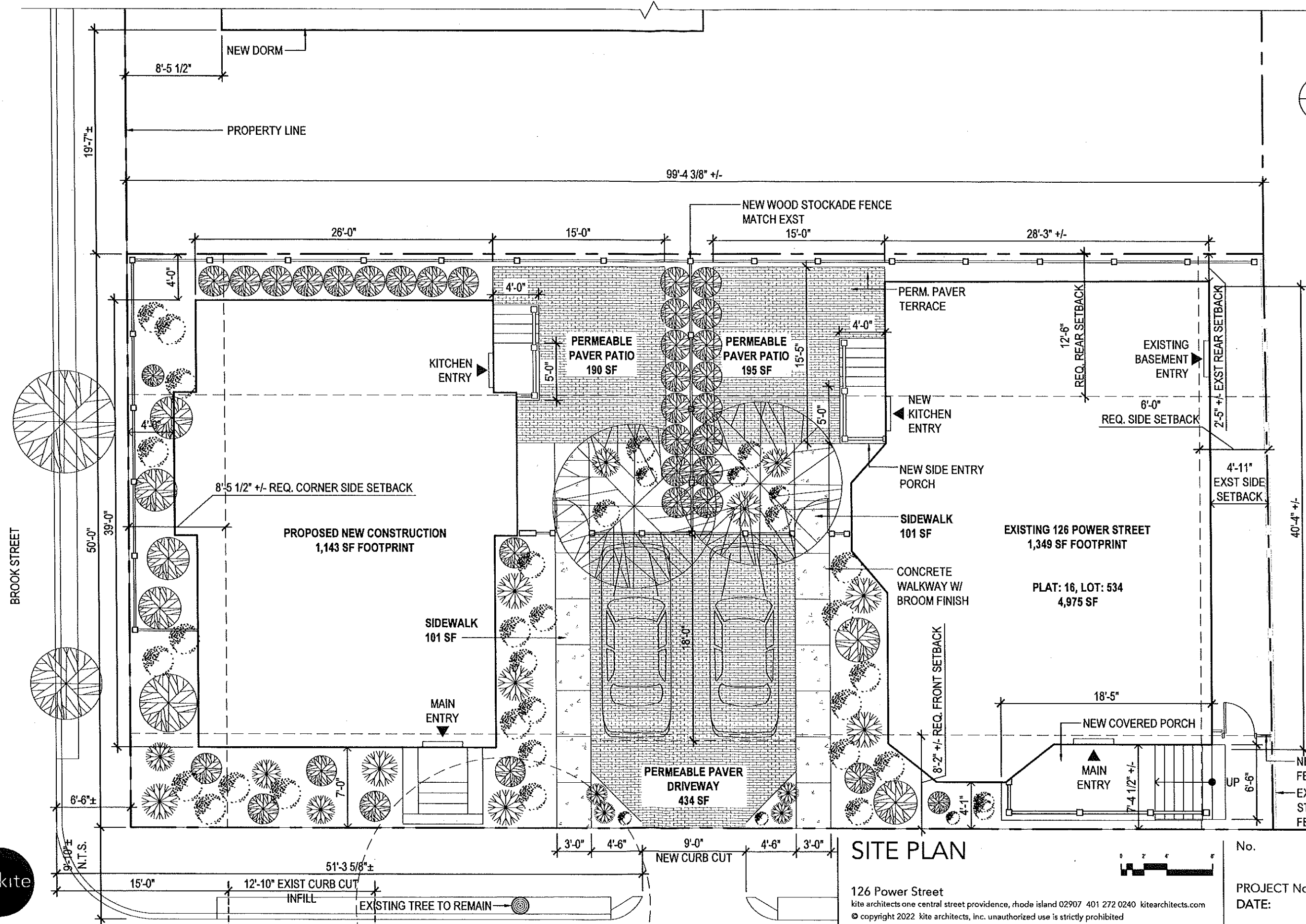
Parking will be provided on-site, per the attached site plan.

State why the proposed use cannot be located on your existing property which an institutional district in which the use is permitted.

N/A

State facts to support that the proposed use is in conformance with the objectives of the Comprehensive Plan. Include references to the specific objectives of the Plan.

Strategy F of Objective LU-7 of Providence Tomorrow: The Comprehensive Plan requires educational institutions to provide five-year IMPs to ensure that there is limited growth and limited negative impacts on neighborhoods. Brown’s IMP was approved in 2017, with amendments approved in 2018, 2019, and 2020. Further, a core goal of Providence Tomorrow is to create, revitalize, and preserve housing. This proposal satisfies both Objective H1, improve existing housing, and Objective H2, create new housing, of the Plan’s Housing Element.



SITE PLAN

126 Power Street
kite architects one central street providence, rhode island 02907 401 272 0240 kitearchitects.com
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No. **SD-1**
PROJECT No. 2121
DATE: 01.09.2023



BROOK STREET

9'-10"±
N.T.S.

50'-0"

39'-0"

6'-6"±

19'-7"±

8'-5 1/2"

PROPERTY LINE

NEW DORM

PROPOSED NEW CONSTRUCTION
1,143 SF FOOTPRINT

KITCHEN ENTRY

PERMEABLE
PAVER PATIO
190 SF

PERMEABLE
PAVER PATIO
195 SF

PERMEABLE PAVER
DRIVEWAY
434 SF

SIDEWALK
101 SF

MAIN
ENTRY

NEW WOOD STOCKADE FENCE
MATCH EXST

PERM. PAVER
TERRACE

NEW
KITCHEN
ENTRY

NEW SIDE ENTRY
PORCH

SIDEWALK
101 SF

CONCRETE
WALKWAY W/
BROOM FINISH

8'-2" ± REQ. FRONT SETBACK

EXISTING 126 POWER STREET
1,349 SF FOOTPRINT

PLAT: 16, LOT: 534
4,975 SF

NEW COVERED PORCH

MAIN
ENTRY

7'-4 1/2" ±
UP

12'-6" REQ. REAR SETBACK

EXISTING
BASEMENT
ENTRY

6'-0" REQ. SIDE SETBACK

2'-5" ± EXST REAR SETBACK

4'-11" EXST SIDE SETBACK

40'-4" ±

NEW WOOD FENCE & GATE
EXST WOOD STOCKADE FENCE

99'-4 3/8" ±

26'-0"

15'-0"

15'-0"

28'-3" ±

51'-3 5/8" ±

12'-10" EXIST CURB CUT
INFILL

EXISTING TREE TO REMAIN

NEW CURB CUT

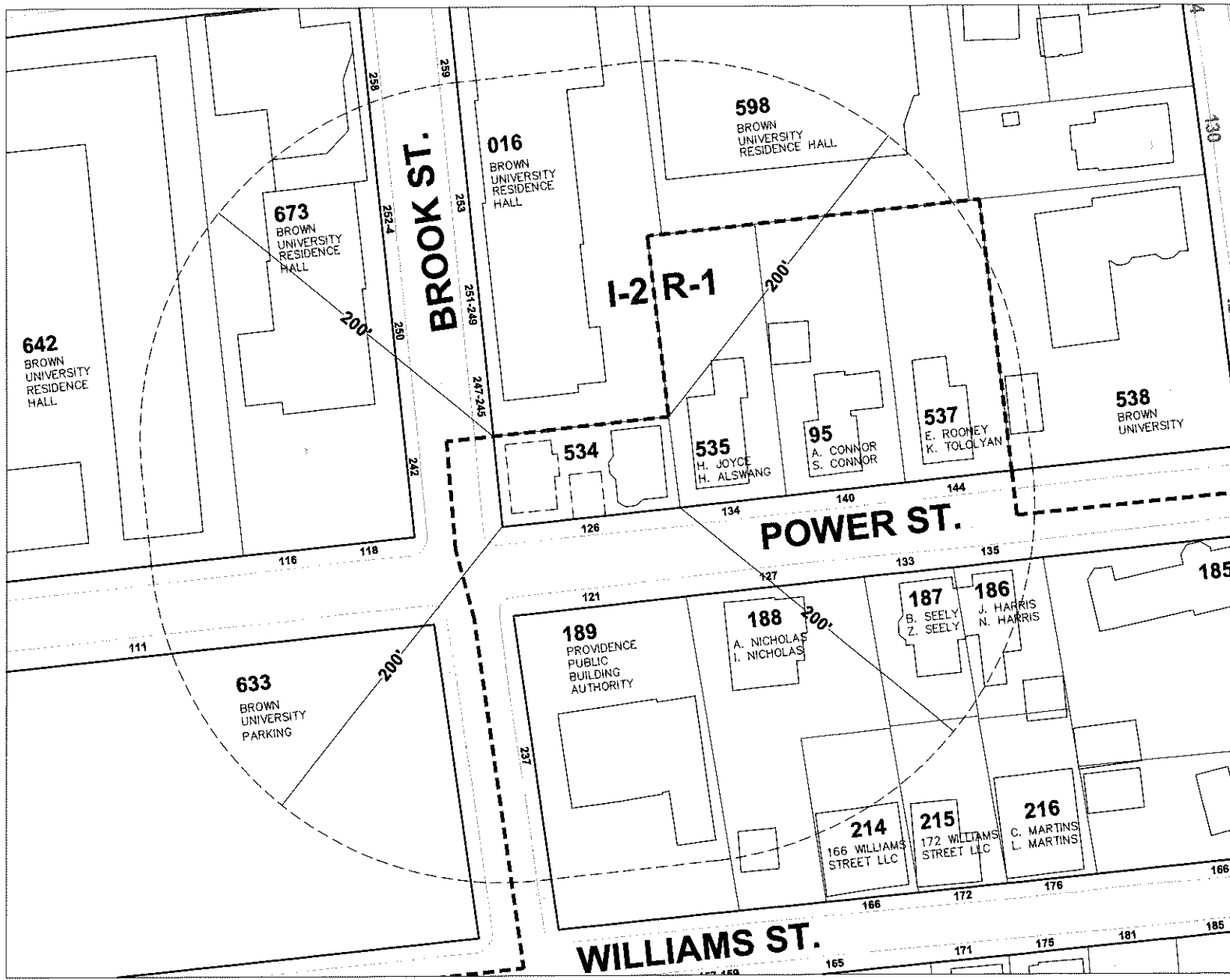
3'-0"

4'-6"

9'-0"

4'-6"

3'-0"



**126 POWER STREET
200^{FT} RADIUS
PLAN**

126 POWER STREET
SCALE 1"=50'
SEPTEMBER 2022
ASSESSOR PLAT NO. 16

126 Power Street – New Construction
City of Providence Zoning Board of Review

09.19.2022





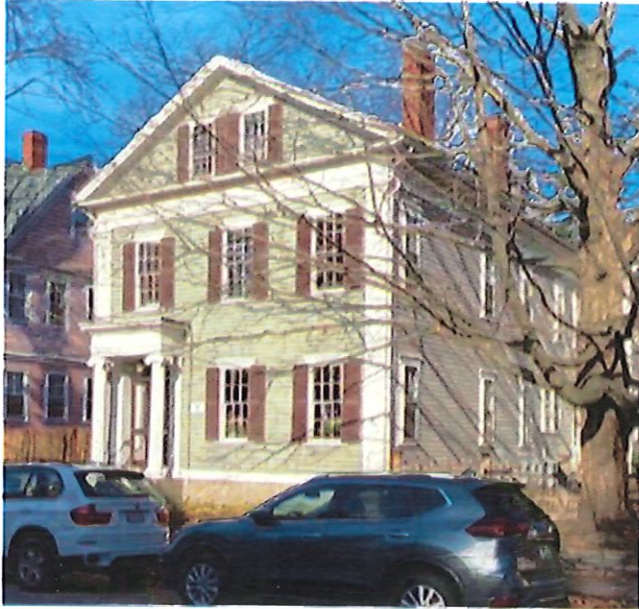
kite existing



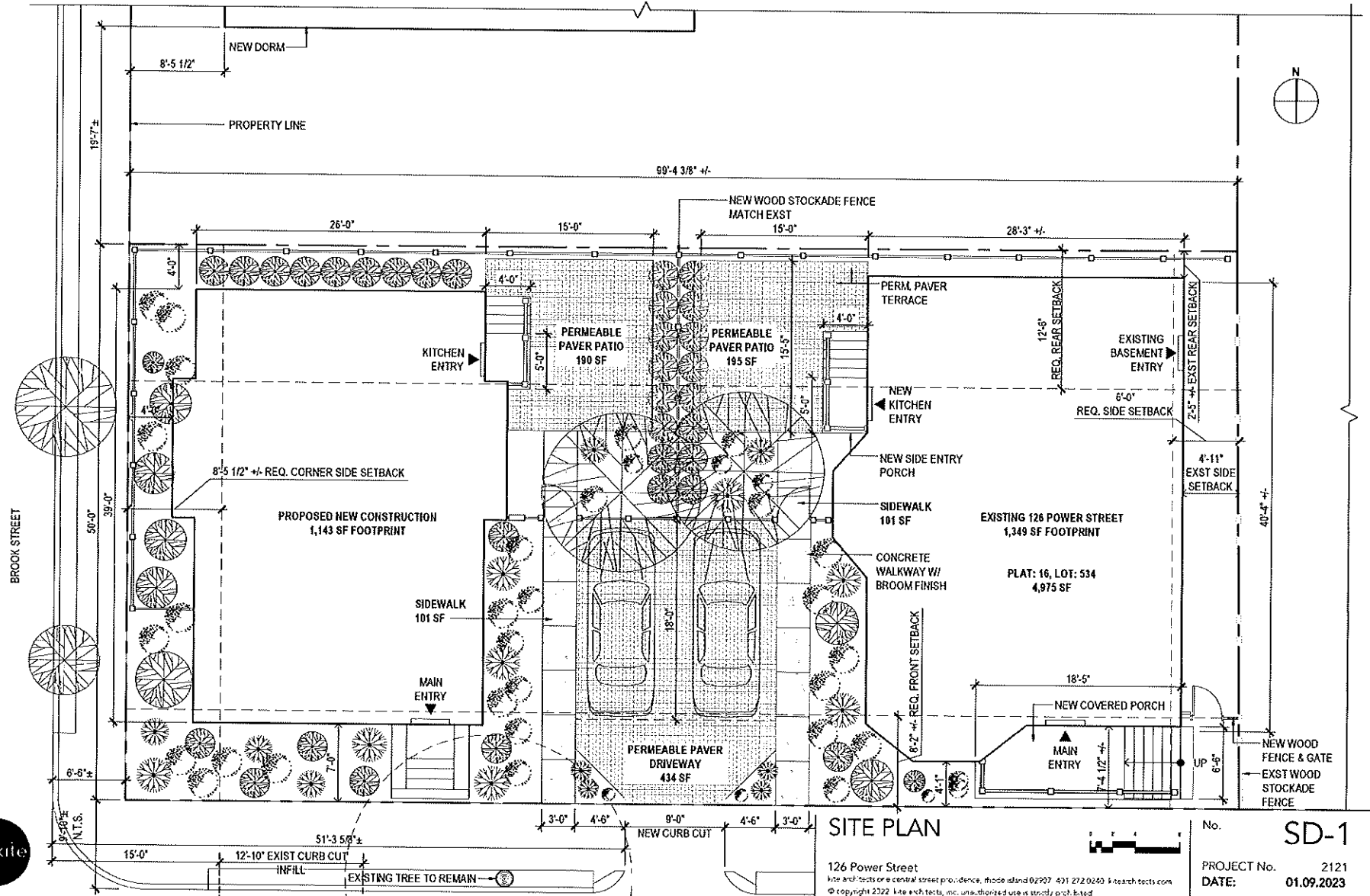
existing



proposed



precedents – power street

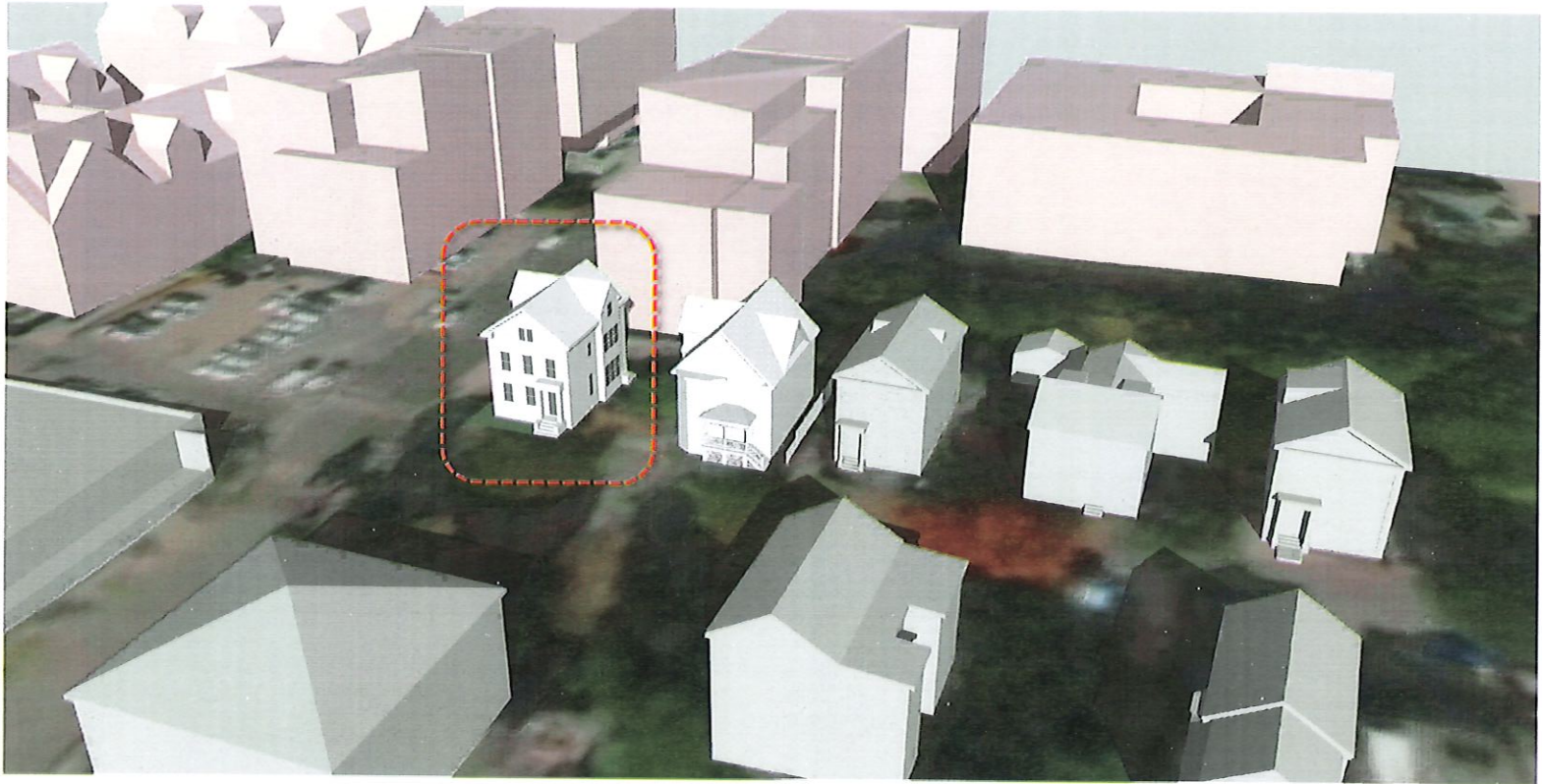


SITE PLAN

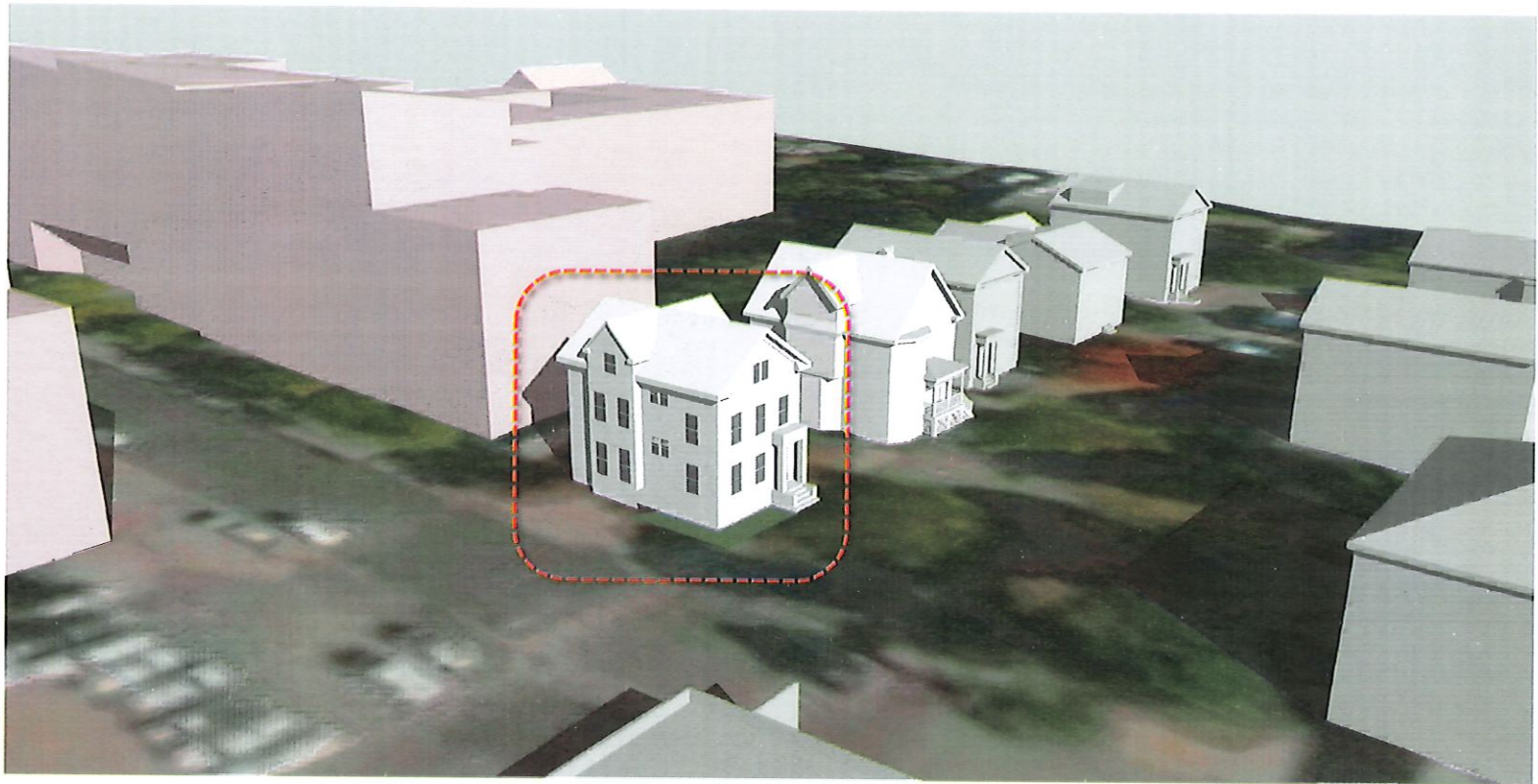
126 Power Street
 k|ie architects of a central street providence, rhode island 02907 401 272 0240 k|iearchitects.com
 © copyright 2022 k|ie arch. techs, inc. unauthorized use is strictly prohibited.



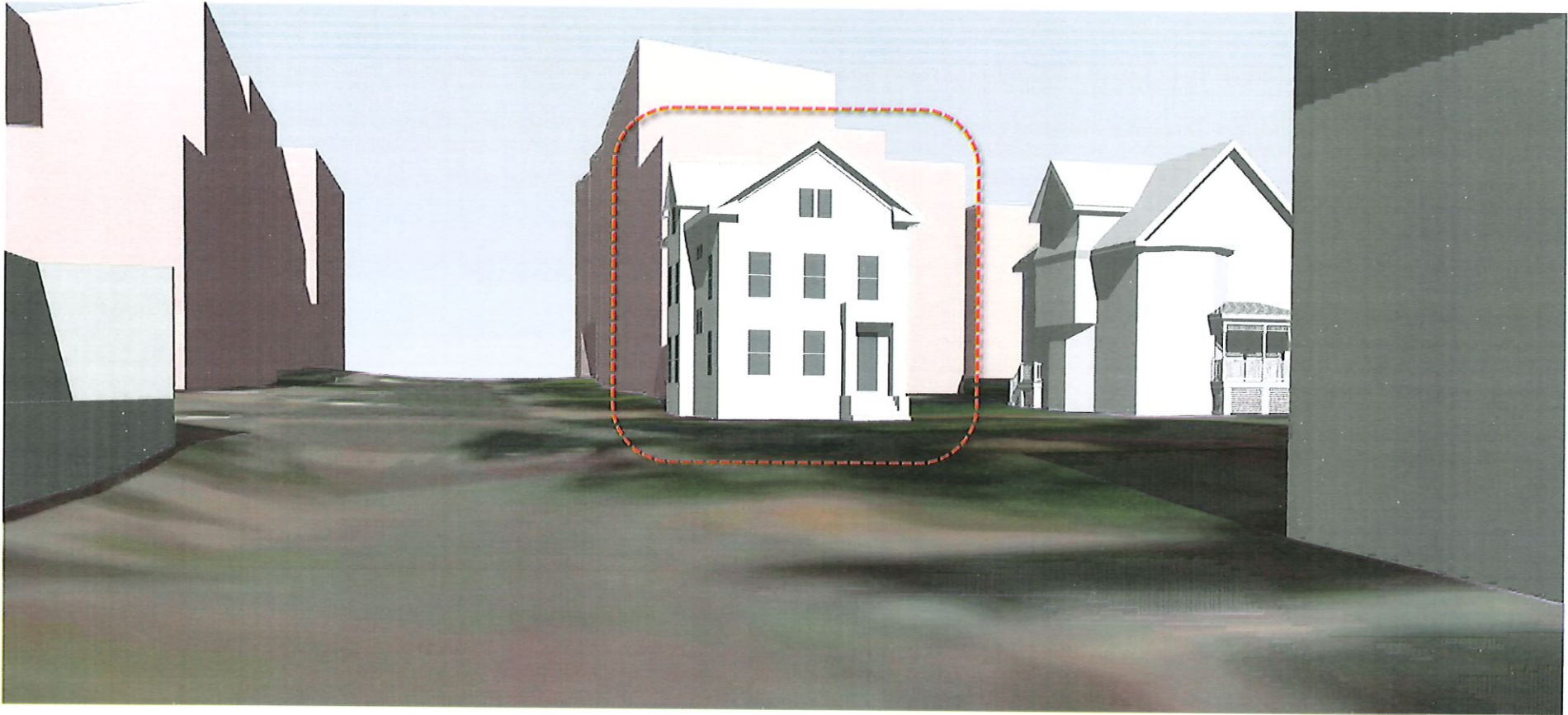
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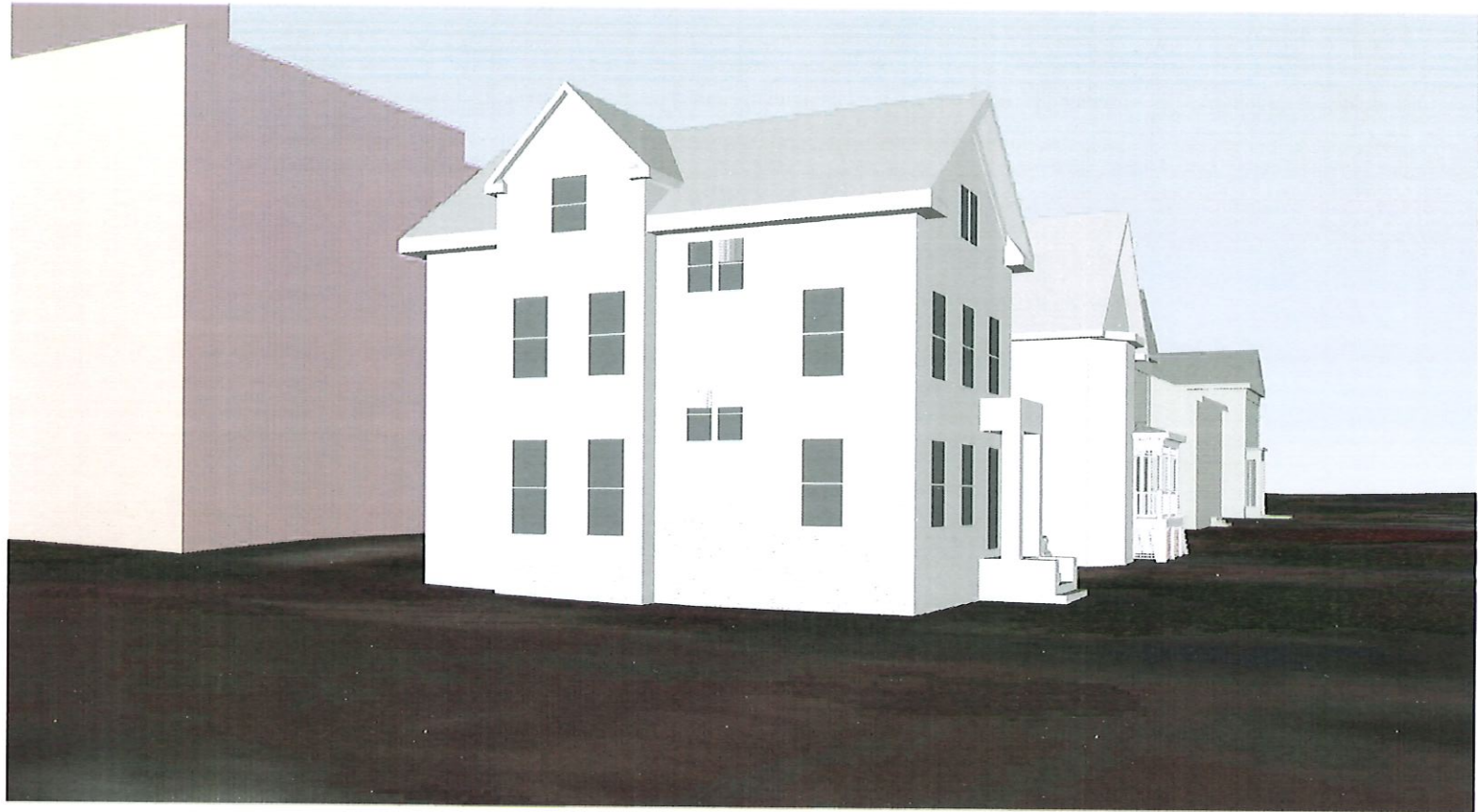
massing views – overhead from southeast



massing views – overhead from southwest



massing views – brook street from south



massing views – brook & power street from west

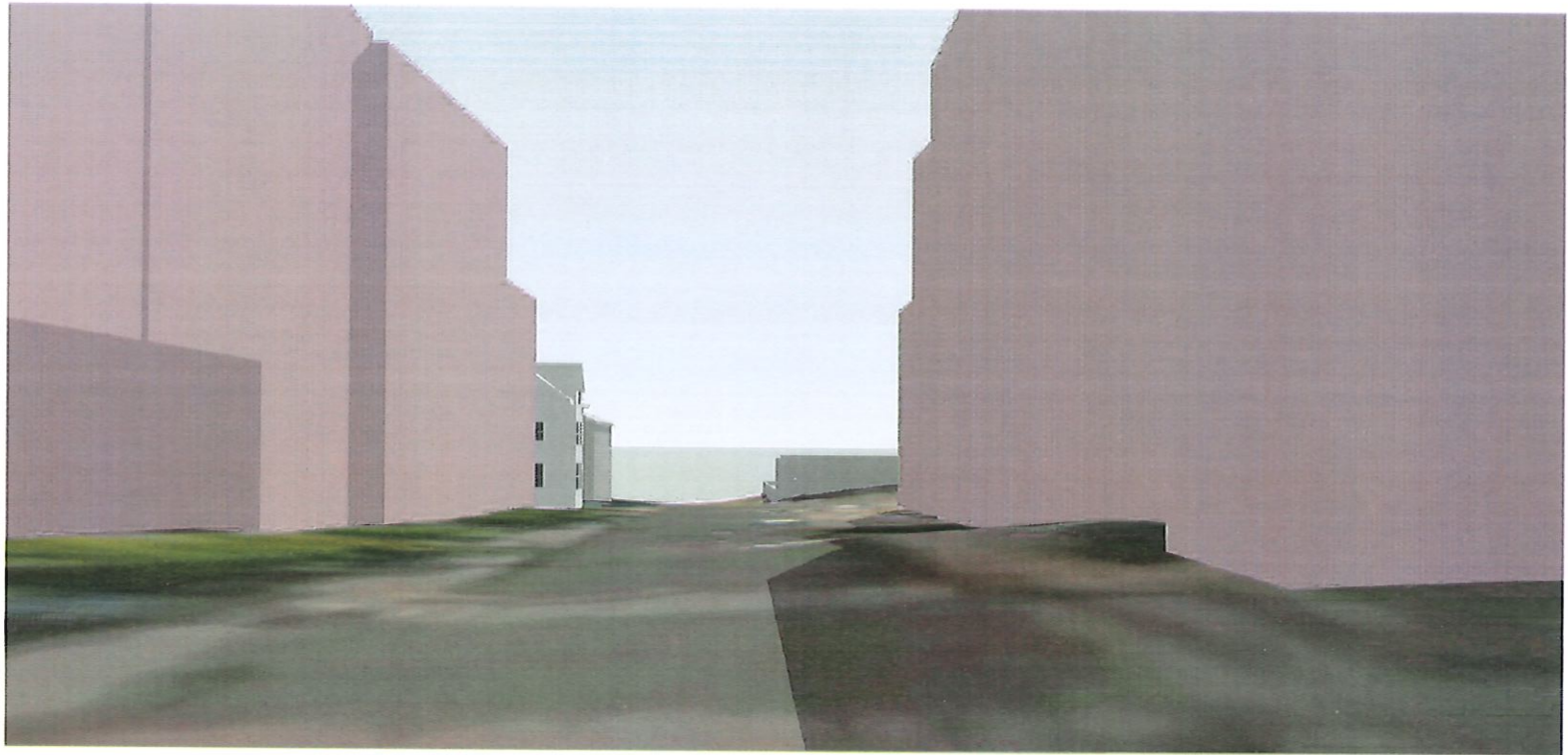
Providence Zoning Board of Review
126 Power Street – New Construction
09.19.2022



massing views – power street from east



massing views – power street from east



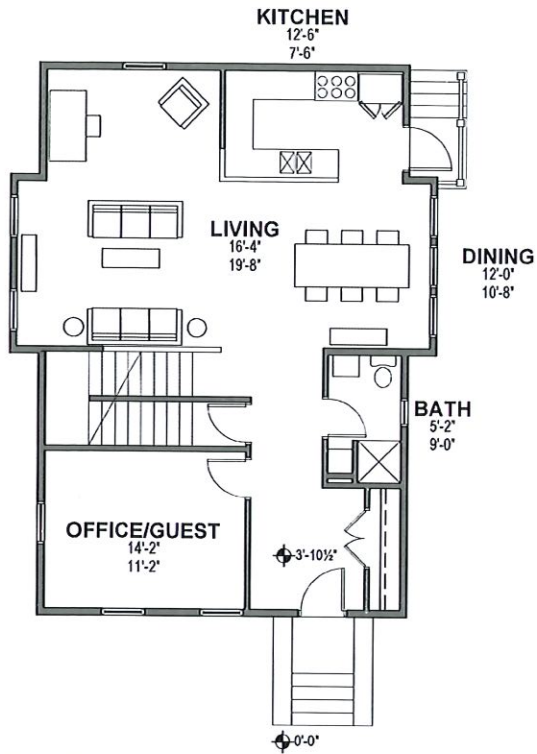
massing views – brook street from north



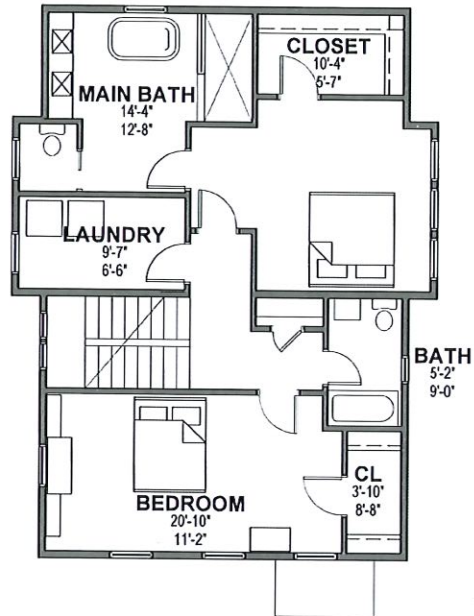
- GENERAL NOTES:
 1. BUILDING PROFILES ARE SHOWN DIAGRAMMATICALLY.
 2. ELEVATIONS SHOWN ARE TAKEN FROM SIDEWALK LEVEL AND ARE APPROXIMATE.



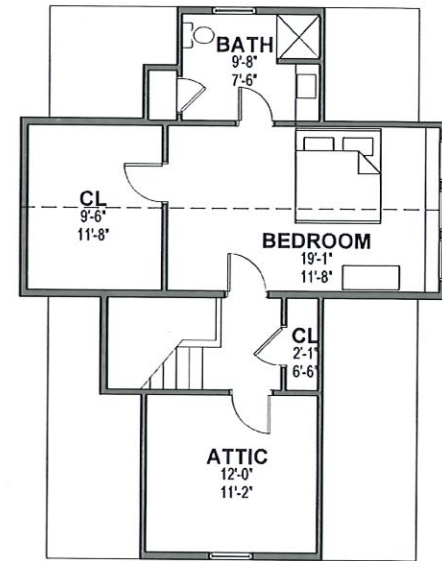
first floor heights



01 FIRST FLOOR 1/8" = 1'-0"



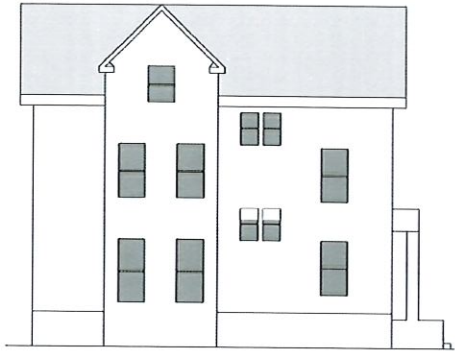
02 SECOND FLOOR 1/8" = 1'-0"



03 THIRD FLOOR 1/8" = 1'-0"



proposed floor plans



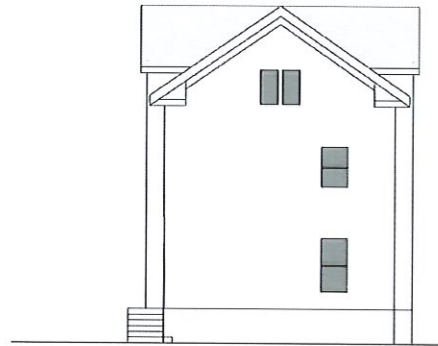
west



south



east



north



proposed massing





End
Sexual

126



126





