

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

INSPECTION & STANDARDS
RECEIVED

FEB 10 2025

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 Variance

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

If a section of the application is not applicable, please indicate this by using N/A in that field.

Applicant: Halsey Land LLC

Applicant Mailing Address

Email: j.paolino@paolinoproperties.com

Street: 100 Westminster Street, Suite 1700

Phone: 401-274-6611

City, State, Zip: Providence, RI 02903

Owner: Halsey Land LLC

Owner Mailing Address

Email: j.paolino@paolinoproperties.com

Street: 100 Westminster Street, Suite 1700

Phone: 401-274-6611

City, State, Zip: Providence, RI 02903

Lessee: _____

Lessee Mailing Address

Email: _____

Street: _____

Phone: _____

City, State, Zip: _____

Attorney: Joelle C. Rocha

Attorney Mailing Address

Email: jrocha@duffysweeney.com

Street: 321 S. Main Street, Suite 400

Phone: 401-455-0700

City, State, Zip: Providence, RI 02903

Does the proposal require review by any of the following:

☐

Downtown Design Review Committee

☐

I-195 Redevelopment District Commission

☐

Capital Center Commission

☒

Historic District Commission

1. Street Address of Subject Property: 138 Prospect Street

Plat and Lot Numbers of Subject Property: Assessor's Plat 9, Lot 616

2. **Base Zoning District(s):** R-1
Overlay District(s): Historic, College Hill
- 3a. **Date owner purchased the Property:** May 2016
- 3b. **Month/year of lessee's occupancy:** N/A
4. **Dimensions of each lot:**
- | | | | |
|---------------------|------------------------|---------------------|----------------------------------|
| Lot # <u>616</u> | Width <u>100.15 ft</u> | Depth <u>120.82</u> | Total area <u>12,099</u> sq. ft. |
| Lot # <u> </u> | Width <u> </u> | Depth <u> </u> | Total area <u> </u> sq. ft. |
| Lot # <u> </u> | Width <u> </u> | Depth <u> </u> | Total area <u> </u> sq. ft. |
| Lot # <u> </u> | Width <u> </u> | Depth <u> </u> | Total area <u> </u> sq. ft. |
- 5a. **Size of existing structure(s) located on the Property:**
- | | |
|-------------------------------|-------------------------------|
| <u>Principal Structure:</u> | <u>Accessory Structure:</u> |
| Area of Footprint <u>None</u> | Area of Footprint <u>None</u> |
| Overall Height <u> </u> | Overall Height <u> </u> |
| # of Stories <u> </u> | # of Stories <u> </u> |
- 5b. **Size of proposed structure(s) located on the Property:**
- | | |
|-----------------------------------|-----------------------------------|
| <u>Principal Structure:</u> | <u>Accessory Structure:</u> |
| Area of Footprint <u>2,935 sf</u> | Area of Footprint <u>777.6 sf</u> |
| Overall Height <u>35'-4"</u> | Overall Height <u>19'</u> |
| # of Stories <u>3 stories</u> | # of Stories <u>1 story</u> |
- 6a. **Existing Lot Coverage:**
- Building Coverage (area of all roofed structures) N/A
- Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 1,500 sf
- Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) 0 sf
- Front Yard Impervious Coverage (area of structures and impervious surface in front yard) 200 sf
- 6b. **Proposed Lot Coverage:**
- Building Coverage (area of all roofed structures) 31%
- Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 39%
- Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) 28%
- Front Yard Impervious Coverage (area of structures and impervious surface in front yard) 26%
- 7a. **Present Zoning Use of the Property:** R-1
- 7b. **Legal Zoning Use of the Property as recorded in the Dept. of Inspection & Standards:**
residential
8. **Proposed Zoning Use of the Property:** Residential - single family
9. **Number of Parking Spaces:**
- # of existing spaces 0 # of proposed spaces 4
10. **Are there outstanding violations concerning the Property under any of the following:**
No Zoning Ordinance No RI State Building or Property Maintenance Code(s)

11a. List all Zoning Ordinance Sections from which a variance is sought:

<u>Section Number</u>	<u>Section Title + Quantity of relief, if applicable (eg. 4' setback where 6' required)</u>
Table 4-1/402.B	Residential district dimensional standards--front setback zone
	proposed is 22.75', required is 31' +/- 5'-0" (402.b) = 26'. Need relief of 3.25'.
	140 Prospect has a front setback of 44' and 130 Prospect has a front setback of 18'

11b. Identify the section(s) of the Zoning Ordinance that provide for the special use permit, and list all section(s) which provide Use Standards for the proposed Special Use(s):

<u>Section Number</u>	<u>Section Title</u>

12. Summarize any changes proposed for the Property (use, construction/renovation, site alteration):

Construct single family home on vacant lot.

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. As indicated on the instructions page, this application may not be signed by an attorney on behalf of their client(s).

Owner(s):

Halsey Land LLC

Type Name

Joseph R. Paolino, Jr.

Signature

Type Name

Signature

Applicant(s):

Type Name

Signature

Type Name

Signature

All applicable requirements listed and described on the Instruction Sheet shall be met or this application will not be considered complete.

APPENDIX A

APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(d) and (e) require 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(a)(16);
2. That the hardship is not the result of any prior action of the applicant;
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; and
4. (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, meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted.

Please provide the following information:

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

The hardship results from one anomaly in the build-to front setback zone in the 100' on Prospect Street. Specifically, the Estate next door brings the average for the requirement above what other properties in the area have for front setbacks. Setbacks for properties within 100' on both sides of the street: 130 Prospect: 18'-0" and 140 Prospect: 44'-0" see attached memorandum.



2. **Specify all unique characteristics of the land or structure that cause the hardship:**

The Property has a width of about 100', and the front build-to zone average of 26' with a rear setback of 30', making it challenging to situate a home and garage suitable for the lot and area. Some of the courtyard that exists today and its features are sought to be preserved in siting the house appropriately. The home is proposed to be situated consistent with, or even greater than, most of the other front setbacks in the area. See attached memorandum.

-
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 ☒ _____

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

N/A

5. 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

6. 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 applicant seeks 3.25' of relief from the front setback/build-to zone as reasonable relief to situate an allowed use (single family home) and accessory structure. The request is reasonable also in light of the existing homes situated on Prospect Street and in the area. The average front setback/build-to zone is thrown off by the estate at 140 Prospect which is setback 44'. No other properties in the area have that significant of a setback. The average setback from all properties within 100' is less than 10'. Additionally, there are two properties in the area, just beyond the 100', that have 10 ft. front setbacks: 120 and 142 Prospect.

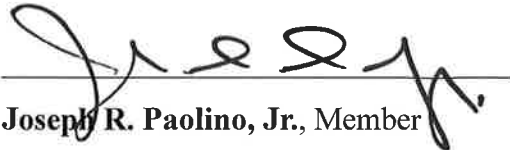
***IF MORE ROOM IS NEEDED TO ANSWER ANY OF THE ABOVE QUESTIONS, PLEASE SUBMIT AN
ADDENDUM TO THIS APPENDIX WITH COMPLETE RESPONSES.***

AFFIDAVIT OF SUBSTANTIAL CHANGE OF CIRCUMSTANCES

I, **Joseph R. Paolino, Jr.**, a member of Halsey Land LLC, hereby attests to the following:

1. Halsey Land LLC (the “Applicant”) is the owner of the property located at 138 Prospect Street, Providence, Rhode Island 02906 AP 09 Lot 616 (“Property”).
2. In July 2024, a purchaser of my property sought to construct a single-family dwelling on the Property and submitted an application for dimensional relief from the required build-to-zone 26’ front setback to provide a proposed 13.5’ front setback (“Application”).
3. In September 2024, the Zoning Board of Review heard the Application and denied the Application.
4. Upon due consideration of the commentary and insight from the Zoning Board of Review, I made significant and substantial changes to the previous site plan to propose a front setback that is more in conformity with the character of the neighborhood to extent possible.
5. The revised site plan proposes a significant reduction in the requested relief from approximately 48% to 12.5% of the dimensional requirement and proposes a 22.75’ front setback, as opposed to 13.5’.
 - a. The additional 9.25’ to the front setback, resulting in a 35.5% net decrease in the dimensional relief requested, is a substantial change in circumstances.
 - b. The newly proposed front setback is within the Zoning Official’s authority to grant up to 15% administrative modification of any dimensional standard.
6. The revised site plan proposes a significant 21% reduction in the total building area, where the previous plan contained 8,260 GSF and the revised plan contains 6,745 SF.
 - a. The revised site plan proposes a reduction in the 1st floor gross floor area, where the previous plan contained 3,085 SF and the revised plan contains 2,935 SF.
 - b. The revised site plan proposes a reduction in the 2nd floor gross floor area, where the previous plan contained 2,980 SF and the revised plan contains 2,780 SF.
 - c. The revised site plan proposes a significant reduction in the 3rd floor gross floor area, where the previous plan contained 2,535 SF and the revised plan contains 1,035 SF.
7. The revised site plan no longer proposes a livable basement due to potential site conditions at the Property.

8. The revised site plan significantly changes the design, footprint, scale, and massing of the previously proposed 970 SF 3 car garage with a roof deck to a 780 SF 2 car garage without a roof deck.
9. The revised plan contains significant changes to the materials and styles used, such as cornice moulding, where the previous application contained an end cap and dormer, a solarium, and stone masonry.


Joseph R. Paolino, Jr., Member

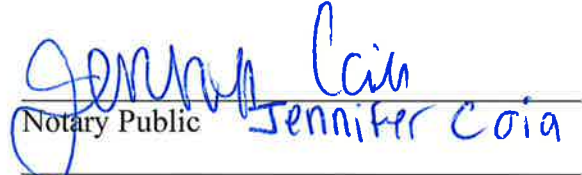
Halsey Land LLC

Dated: 2/5/2025

STATE OF Rhode Island
COUNTY OF Providence

On this 5th day of February, 2025, before me, the undersigned notary public, personally appeared **Joseph R. Paolino, Jr.**, and proved to me, through satisfactory evidence of identification, which was drivers license to be the person whose name is signed on the preceding or attached document, and acknowledged that he signed the document voluntarily for its stated purpose.




Notary Public Jennifer Coia

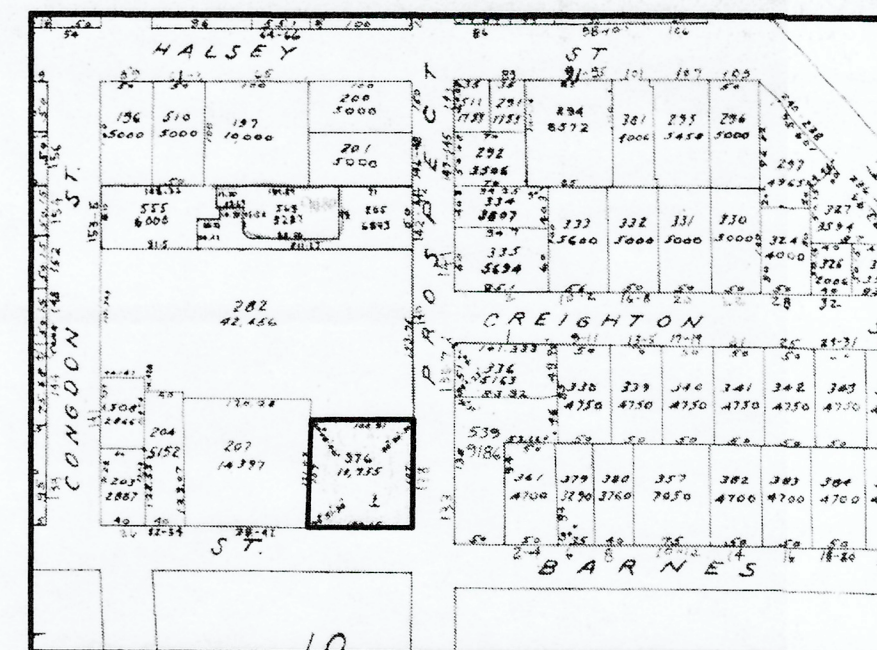
(Please print name)

Notary ID Number: 768685

My commission expires: 05/05/2026

REFERENCE:

1. DEED BK. 13730 / PG. 224 DESIGNATED AS PARCEL - A ON THAT PLAT ENTITLED: "ADMINISTRATIVE SUBDIVISION PLAN, A.P. 9 / LOTS 282 & 376, PROSPECT, CONGDON & JENCKES STREETS PROVIDENCE, R.I. HALSEY REALTY, LLC, 03-01-22, BY WATERMAN ENGINEERING CO." PLAT BK. 99 / PG. 113
2. "BOUNDARY SURVEY PLAN A.P. 9 / LOT 615, PROSPECT ST & CONGDON ST. PROVIDENCE, R.I. HALSEY REALTY, LLC 03-01-22, WATERMAN ENGINEERING CO." PLAT BK. 99 / PG. 117
3. "PLAT No. 2 HALSEY ESTATE, PROVIDENCE, R.I. BY CUSHING & FARNUM, JUNE 13, 1850" PLAT BK. 2 / PG. 22
4. "PLAT OF LAND BELONGING TO EDWIN A. SMITH, BY FRANK E. WATERMAN, JANUARY 1905" PLAT BK. 28 / PG. 38
5. SUBDIVISION OF LOTS 202 & 205 FOR GEORGE L. CHIMENTO, OWNER TOWNES N. HARRIS 3rd. & ROBERT HAIG ASSOCIATES APRIL 23, 1979" PLAT BK. 43 / PG. 73



LOCUS MAP

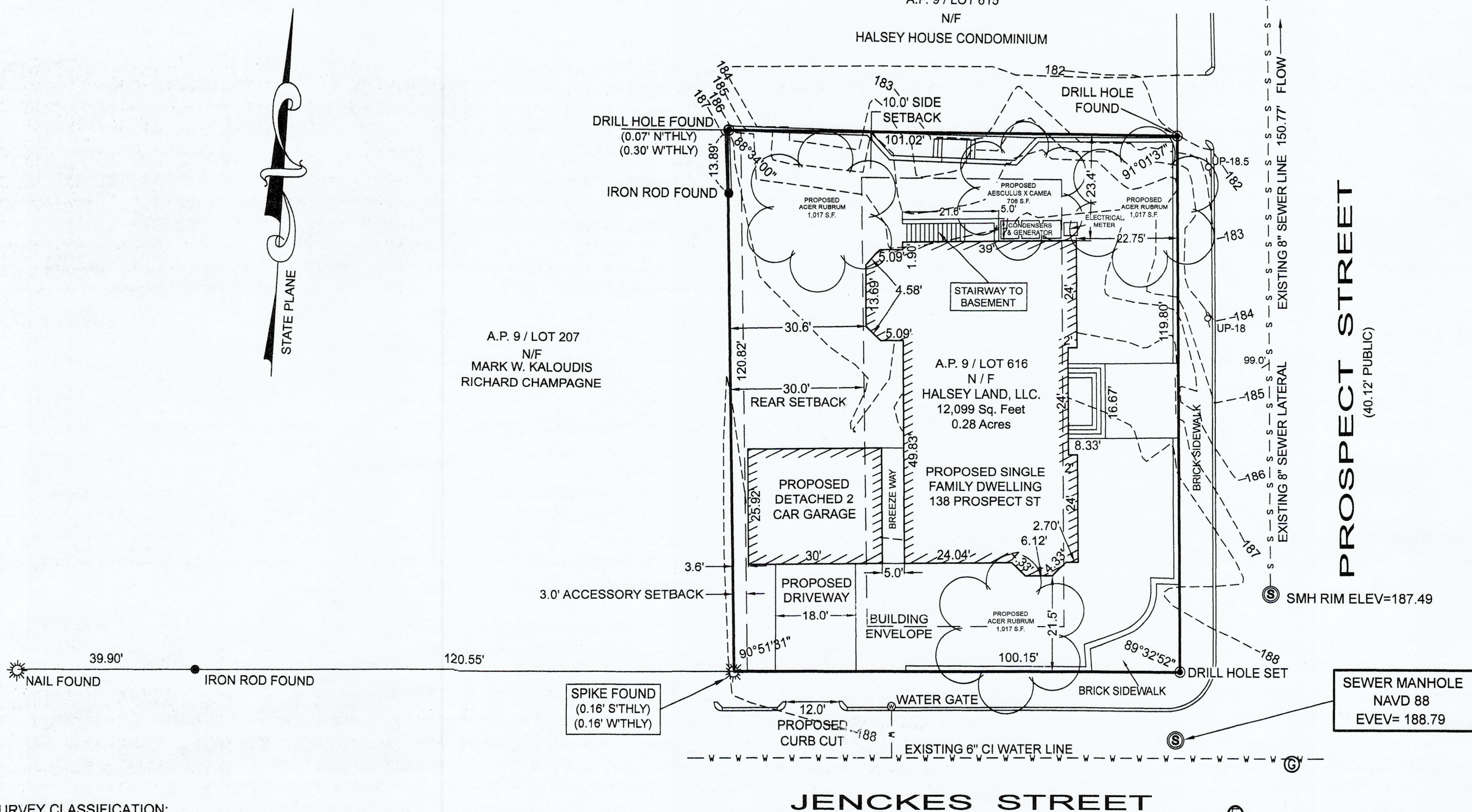
ZONING DISTRICT R-1

MINIMUM LOT AREA: NEW LOT 5,000 SF. / EXISTING LOT NONE.
 MINIMUM LOT WIDTH: NEW LOT 50 FT. / EXISTING LOT NONE.
 MAXIMUM BUILDING HEIGHT: 40' - 3 STORIES.*
 MAXIMUM BUILDING COVERAGE: 45%
 MAXIMUM FRONT IMPERVIOUS SURFACE COVERAGE: 33%
 MAXIMUM REAR IMPERVIOUS SURFACE COVERAGE: 50%
 MAXIMUM IMPERVIOUS SURFACE COVERAGE: 65%
 MINIMUM PERVIOUS SURFACE COVERAGE: 1,000 SF.
 FRONT SETBACK: SEC. 402 B AVERAGE ALIGNMENT
 PROSPECT STREET: 26 FT.
 MINIMUM SIDE: LOT MORE THAN 60' : 10 FT.
 CORNER SIDE: LOT MORE THAN 60' : 10 FT.
 REAR: 30 FT.
 ARTICLE 15-1 TREE CANOPY COVERAGE: 30%

*LOTS 2,500 UNDER 32' 2 STORIES

PROPOSED CONDITIONS

LOT AREA: 12,099 SF.
 LOT WIDTH: 119.80 FT.
 BUILDING HEIGHT: 40 FT. OR LESS
 BUILDING COVERAGE: 31%
 FRONT IMPERVIOUS SURFACE COVERAGE: 26%
 REAR IMPERVIOUS SURFACE COVERAGE: 28%
 IMPERVIOUS SURFACE COVERAGE: 39%
 PERVIOUS SURFACE COVERAGE: 7,427 SF.
 FRONT SETBACK, PROSPECT ST.: 22.75 FT.
 SIDE SETBACK: 23.4 FT.
 SIDE SETBACK, JENCKES ST.: 21.5 FT.
 REAR: 30.6 FT.
 GARAGE REAR: 3.6 FT.
 TREE CANOPY COVERAGE: 31%



SURVEY CLASSIFICATION:

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION:

LIMITED CONTENT BOUNDARY SURVEY CLASS I
 DATA ACCUMULATION SURVEY CLASS III

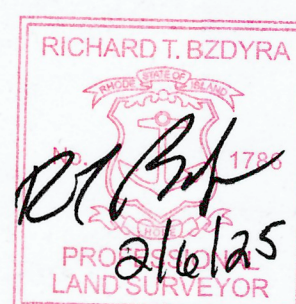
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

TO ESTABLISH AND STAKE RECORD BOUNDARY LINES FOR PROPOSED SINGLE FAMILY DWELLING.

BY: *Richard T. Bzdyra* DATE: 2/6/25

BY: RICHARD T. BZDYRA, PLS; LICENSE #1786; COA # LS-A60

THE FOLLOWING TYPES OF EVIDENCE WERE USED TO CONSTRUCT THIS SURVEY: RECORDED FOUND MONUMENTS IF ANY, NON-RECORDED MONUMENTS, LINES OF POSSESSION, AND OTHER EVIDENCE RELATIVE TO THE DEED OR PLAT. THE BOUNDARY SOLUTION IS THE COMPILATION OF INFORMATION TO DETERMINE THE MOST PROBABLE LOCATION OF THE SURVEYED PARCEL.



NOTE:

PER ZONING ORDINANCE 402 B-1
 AVERAGE ALIGNMENT FOR PROSPECT STREET
 130 PROSPECT STREET 18'
 140 PROSPECT STREET 44'
 AVERAGE: $18 + 44 = 62 / 2 = 31$ FT. +/- 5 = 26 FT.

NOTE:

PER ZONING ORDINANCE 402 B-2 IF THERE ARE NO BUILDINGS ON THE SAME SIDE OF THE LOT, THEN BOTH SIDES CAN BE USED.
 AVERAGE ALIGNMENT FOR PROSPECT STREET
 130 PROSPECT STREET 18'
 140 PROSPECT STREET 44'
 137 PROSPECT STREET 3'
 133 PROSPECT STREET 4'
 125 PROSPECT STREET 11'
 AVERAGE: $16' +/- 5' = 11'$

DIMENSIONAL CONFORMANCE SURVEY

A.P. 9 / LOT 616
 138 PROSPECT STREET
 PROVIDENCE, R.I.

SCALE: 1"=20' DATE: FEBRUARY 6, 2025

PREPARED FOR:

ZDS, INC

PREPARED BY:

OCEAN STATE PLANNERS, INC.
 1255 OAKLAWN AVENUE, CRANSTON, RI 02920
 PHONE: (401) 463-9696 info@osplanners.com
 JOB NO. 10850 / DWG. NO. 10850 - (JNP)

GRAPHIC SCALE / 1" = 20'

0 20 40 60

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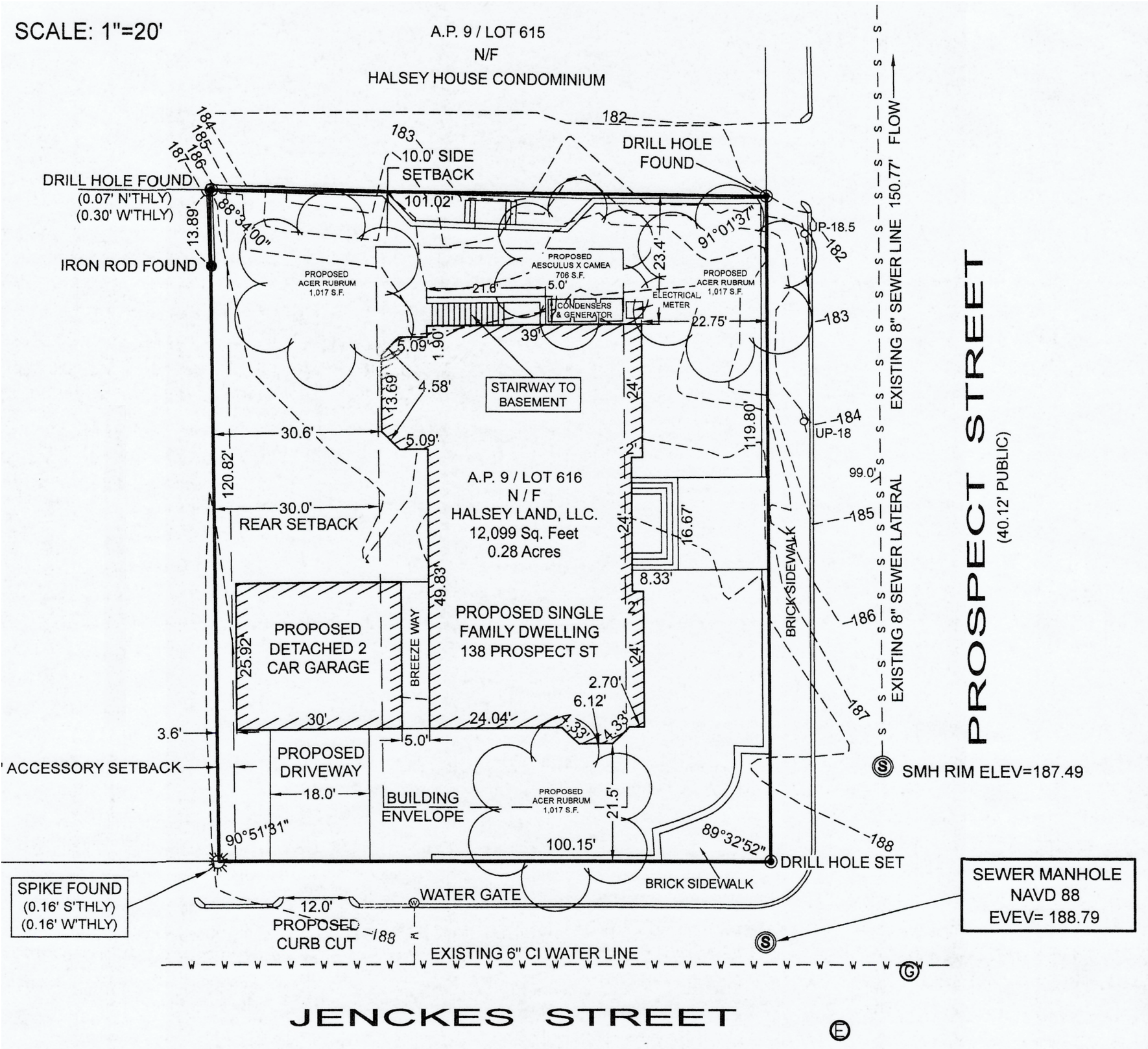
138 PROSPECT STREET

PROVIDENCE, RI 02906

ZONING BOARD OF REVIEW | MARCH 12, 2025



SITE PLAN



ZONING INFORMATION		
PLAT/LOT:	PLAT 009; LOT 616	
ZONE:	R-1	
DISTRICT OVERLAY:	HISTORIC DISTRICT	
LOT AREA:	12,099 SF	
LOT WIDTH:	119.80 FT	
BUILDING HEIGHT	REQUIRED: 40'-0" MAX.	PROPOSED: 35'-4"
BUILDING COVERAGE:	45% MAX.	31%
FRONT IMPERVIOUS SURFACE COVERAGE:	33% MAX.	26%
REAR IMPERVIOUS SURFACE COVERAGE:	50% MAX.	28%
TOTAL IMPERVIOUS SURFACE COVERAGE:	65% MAX	39%
TOTAL PERVIOUS SURFACE COVERAGE:	1,000 SF MIN.	7,427 SF
FRONT SETBACK:	*26' MIN.	22.75 FT
SIDE SETBACK:	10' MIN.	23.4 FT
SIDE SETBACK, JENCKES ST:	10' MIN.	21.5 FT
REAR SETBACK:	30' MIN.	30.6 FT
TREE CANOPY COVERAGE:	30% MIN.	31%
* NOTE: PER ZONING ORDINANCE SECT. 401.B.2 130 PROSPECT STREET 18' 140 PROSPECT STREET 44' AVERAGE: 18' + 44' = 62' 62'/2 = 31' 31' +/- 5' ADMIN. RELIEF = 26'		

BUILDING SQUARE FOOTAGE	
LEVEL-3:	1,030 SF
LEVEL-2:	2,780 SF
LEVEL-1:	2,935 SF + 777.6 SF (GARAGE)
TOTAL:	6,745 SF + 777.6 SF (GARAGE)

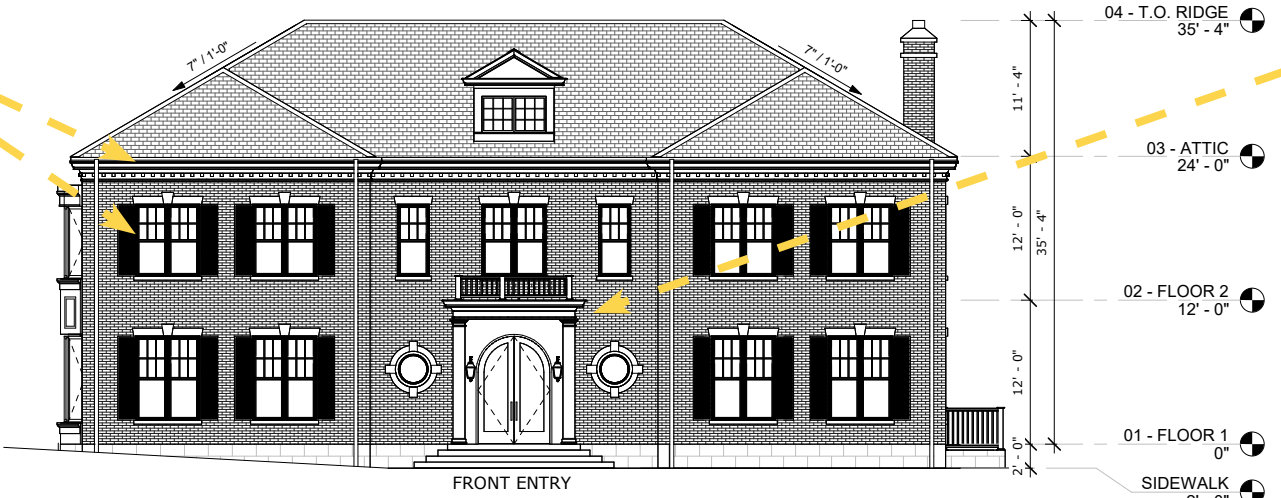


STREET ELEVATIONS

CORNICE MOULDING



ENTRY PORTICO

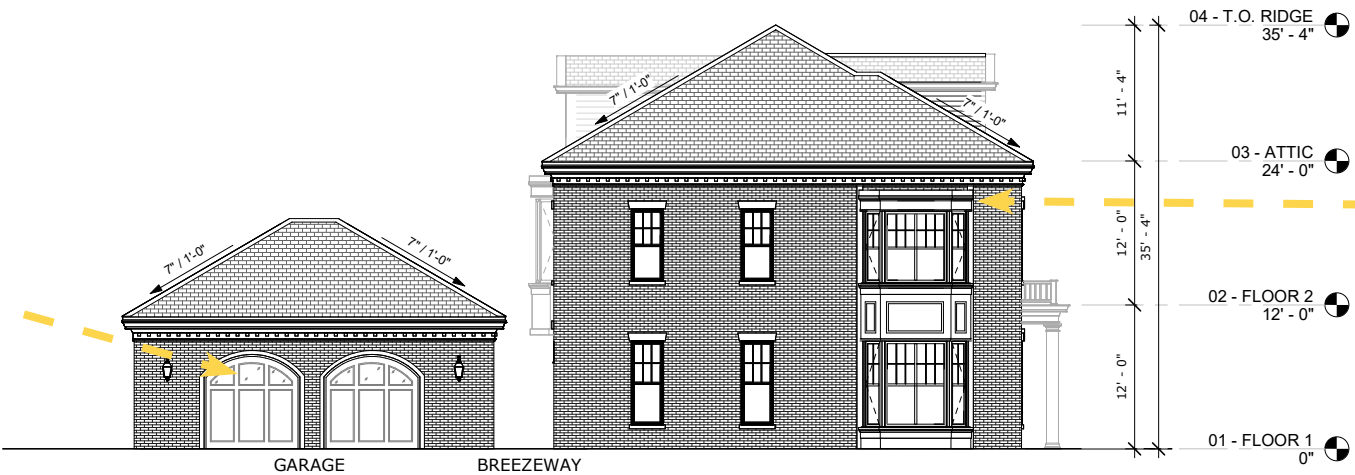


③ EAST ELEVATION - PROSPECT STREET
1/8" = 1'-0"

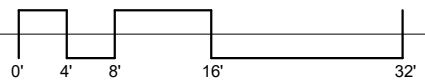
BAY WINDOWS



GARAGE DOOR



④ SOUTH ELEVATION - JENCKES STREET
1/8" = 1'-0"

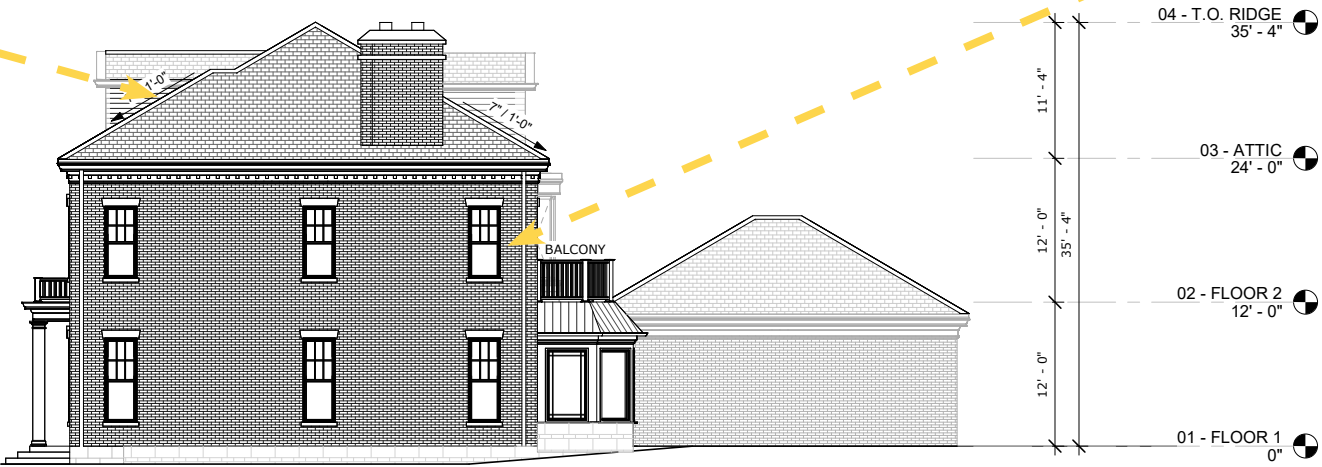
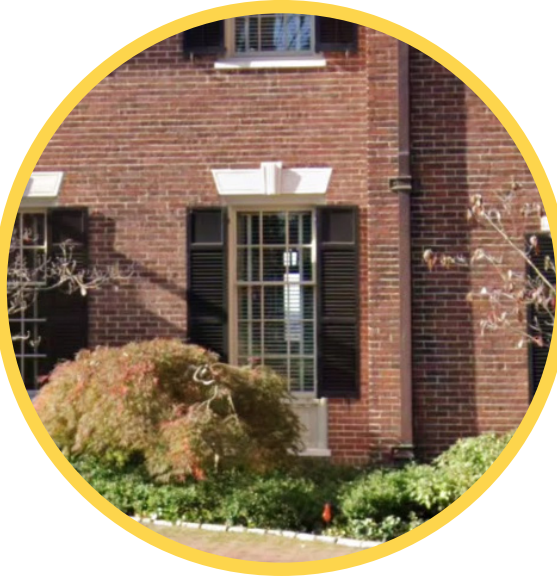


REAR & SIDE ELEVATIONS

SLATE ROOF



HIGH WINDOWS

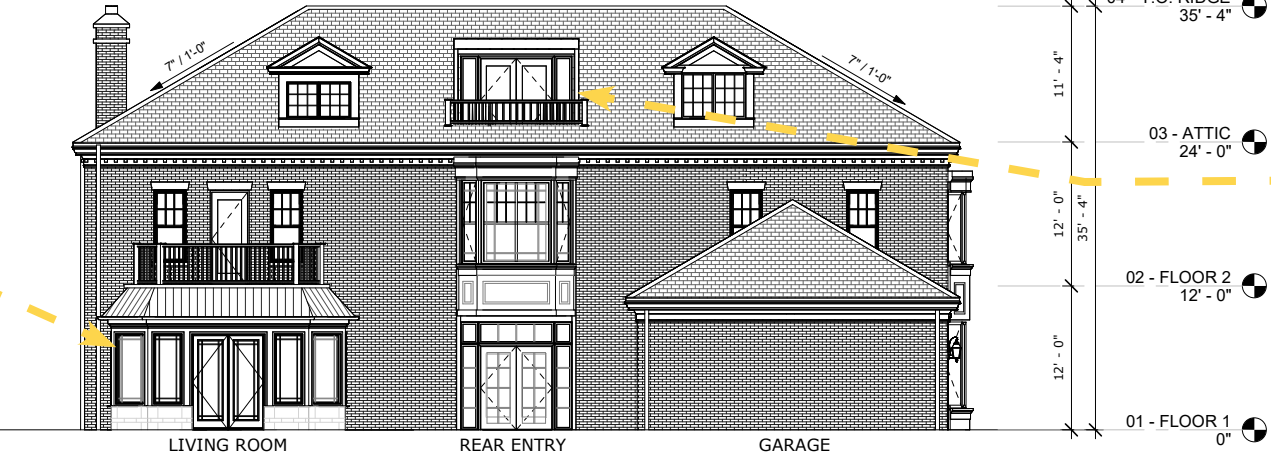


① NORTH ELEVATION - SIDE YARD
1/8" = 1'-0"

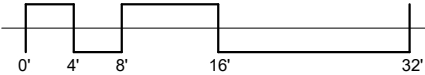
ACCENT APPENDITURES



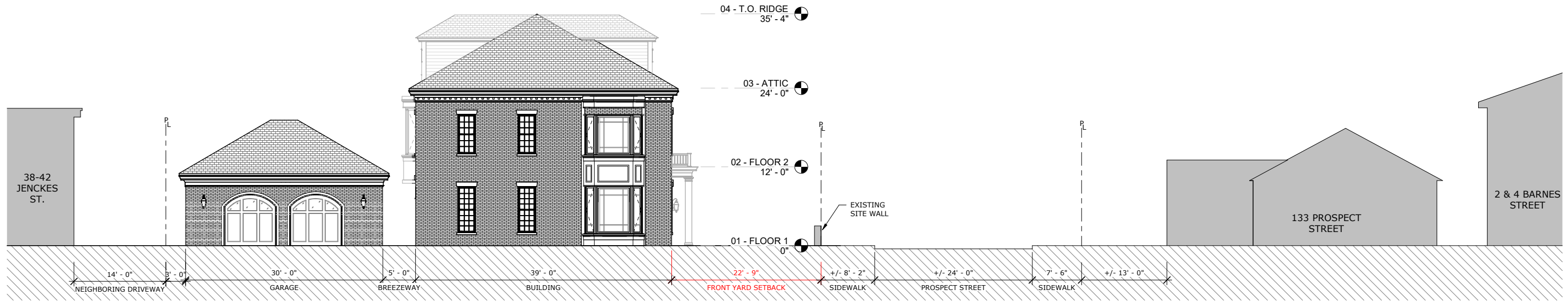
ROOFTOP BALCONY



② WEST ELEVATION - REAR WITH GARAGE
1/8" = 1'-0"



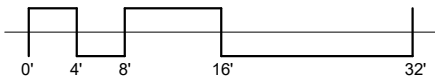
CONTEXTUAL ELEVATIONS



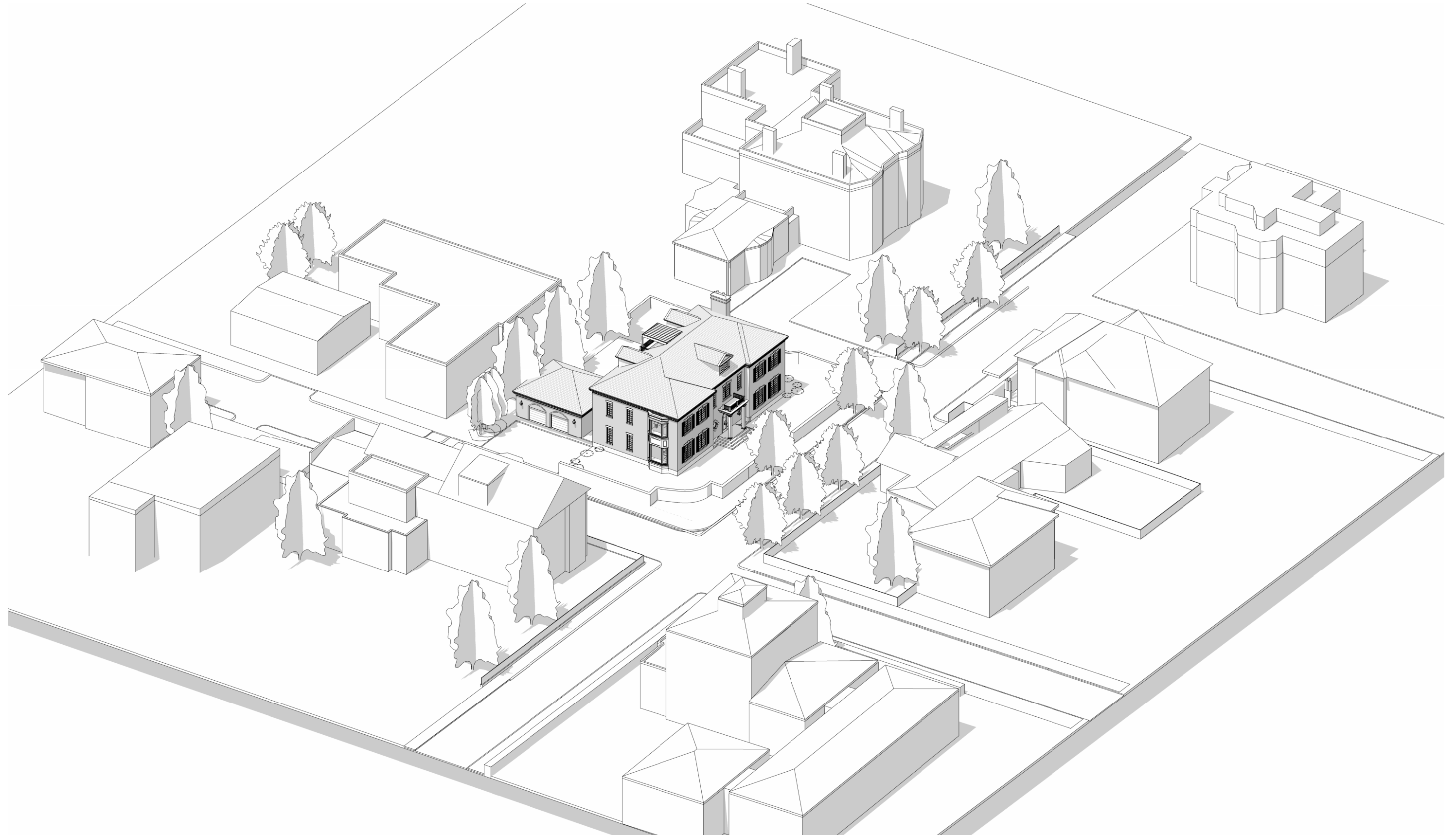
① SOUTH ELEVATION - JENCKES STREET
1/8" = 1'-0"



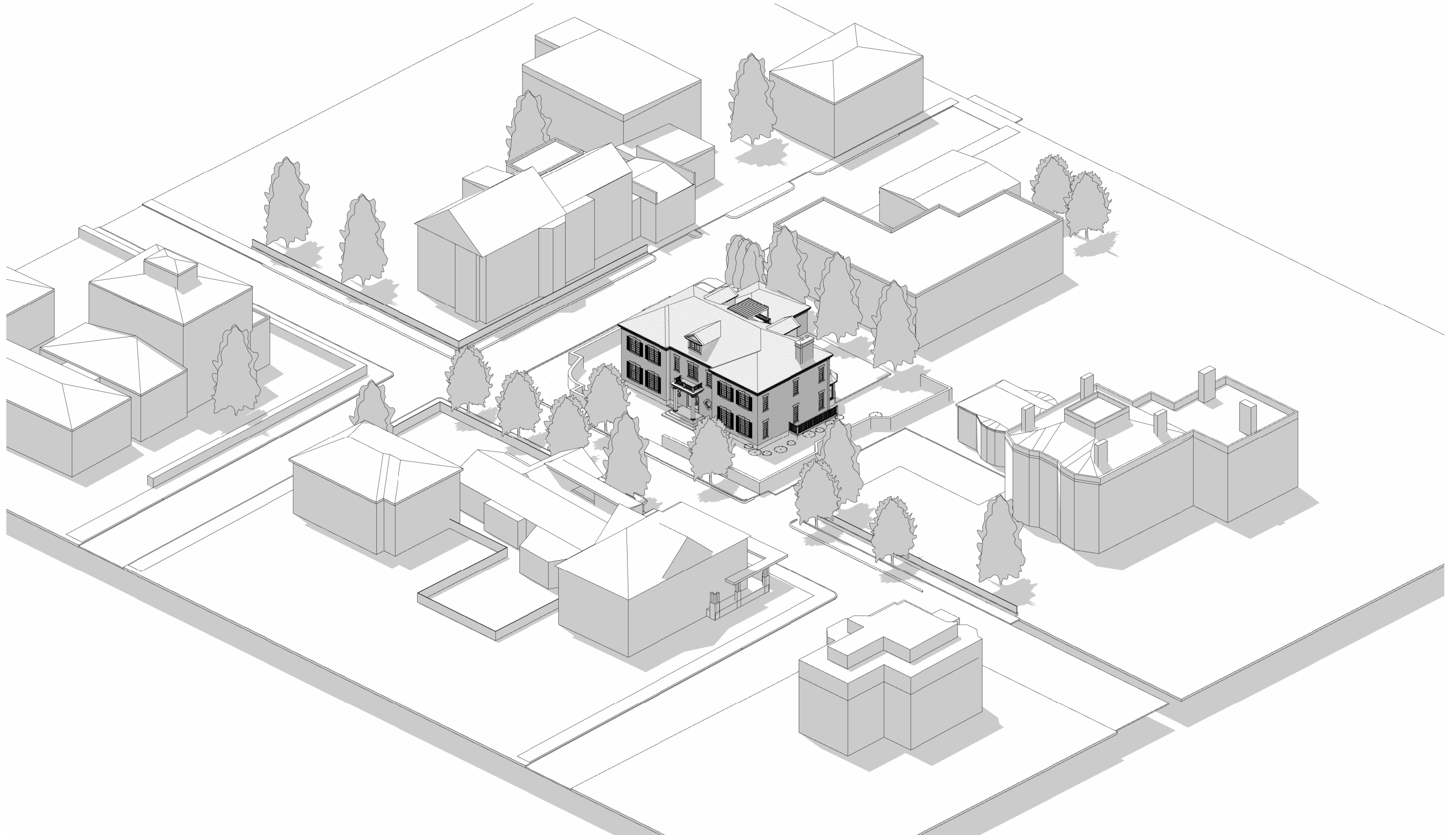
② CONTEXTUAL ELEVATION - PROSPECT STREET
1/8" = 1'-0"



AXONOMETRIC
SITE CONTEXT



AXONOMETRIC
SITE CONTEXT



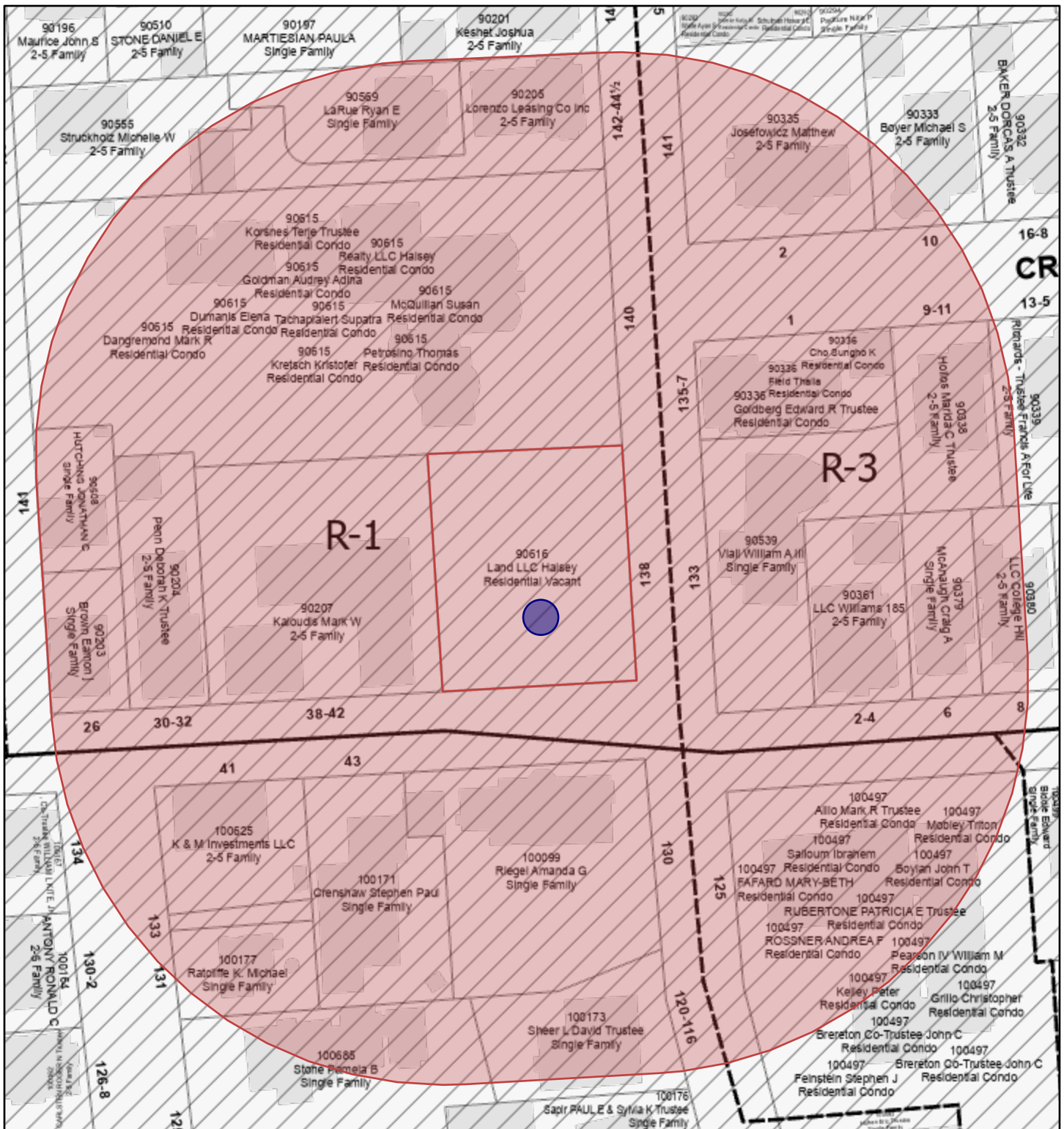




THANK YOU

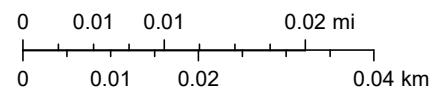


Radius Map



1/27/2025, 4:40:20 PM

1:1,155



Photographs of 138 Prospect Street



Photographs of 138 Prospect Street



Photographs of 138 Prospect Street



Photographs of 138 Prospect Street

