

JUL 28 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 checked="" 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: Joanne Stokes

Address 260 Olney St.

E-mail jmskids@aol.com

Zip Code 02906

Phone _____
Home/Office

401 749 1933
Mobile (Cell)

Owner: Madison Properties Inc

Address 144 Waterman St., unit 6

E-mail kennethdulgarian@dulgarianpr

Zip Code 02906

Phone 401 421 0021
Home/Office

Mobile (Cell)

Lessee: Joanne Stokes

Address _____

E-mail jmskids@aol.com

Zip Code _____

Phone: _____
Home/Office

401 749 1933
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:** 150 Waterman Street
Street Address

RP

2. **Zoning District(s):** _____
Special purpose or overlay district(s): N/A

3a. **Date owner purchased the Property:** 7/7/2012

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

3. Dimensions of each lot:

Lot # <u>296</u>	Frontage <u>125'</u>	depth <u>175'</u>	Total area <u>23,867</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>13,623 sf</u>
Footprint <u>3,730 sf</u>	Height <u>35'</u>	Floors <u>3</u>
Accessory Structure:	Total gross square footage	_____
Footprint <u>1,160 sf</u>	Height <u>9'</u>	Floors <u>1</u>

5. Size of proposed structure(s): Total gross square footage: _____
Footprint 1,695 sf Height 9' Floors 1

6a. Existing Lot coverage: (include all buildings, decks, etc.) 4,890 - 20%

6b. Proposed Lot coverage: (include new construction) 5,425 - 23%

7a. Present Use of Property (each lot/structure):
Mixed Use Commercial, Garage

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

8. Proposed Use of Property (each lot/structure):
Mixed Use Commercial, Childcare

9. Number of Current Parking Spaces: 39

10. Describe the proposed construction or alterations (each lot/structure):
.535 sf single story addition to existing accessory garage (1,160 sf), alteration to accessible ramp, removal of impervious surfaces (357 sf)

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>401</u>	<u>Table 4-1 Side setback of 6'-0" required (corner lot), 3'-7" requested</u>
<u>1300.A</u>	<u>Two principal buildings on one lot</u>
<u>Table 12-1</u>	<u>Special Use Permit for Daycare > 12 people in RP zone & Section 2000.D</u>

13. Explain the changes proposed for the Property.

An existing single story 5 bay garage shall be renovated, a single story 535 sf addition to the east and the use changed to a Childcare Facility. The Childcare is an expansion of an existing Childcare in the primary structure. Also an accessible ramp to the primary structure will be modified, the outdoor Play Area for the Childcare will be increased by 357 sf, changing impervious paving to pervious play surface. The childcare center will serve as an extension of the existing use in the primary structure.

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):

Kenneth Dulgarian

Type Name

Signature

Kenneth Dulgarian

Digitally signed by Kenneth Dulgarian
Date: 2020.07.27 19:27:03 -0400

Type Name

Signature

Applicant(s):

Joanne Stokes

Type Name

Signature

Joanne Stokes

Digitally signed by Joanne Stokes
Date: 2020.07.27 19:28:01 -0400

Type Name

Signature

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

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Owner(s):

Kenneth Dulgarian

Type Name


Signature

Kenneth Dulgarian

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Date: 2020.07.27 19:27:03 -0400'

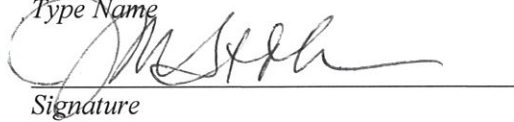
Type Name


Signature

Applicant(s):

Joanne Stokes

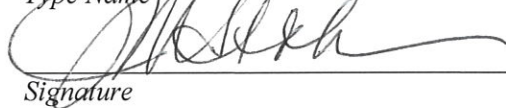
Type Name


Signature

Joanne Stokes

Digitally signed by Joanne Stokes
Date: 2020.07.27 19:28:01 -0400'

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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?

Relief from side yard setback as existing structure is non-conforming. 6'-0" is required, 3'-7" actual.
Relief from two principal buildings on one lot as the existing structures are not attached.

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

Structure was built prior to current Zoning Regulations, existing non-conforming

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 X

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 Addendum _____

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 Addendum _____

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 Addendum _____

APPENDIX B

APPLICATION(S) FOR SPECIAL USE PERMIT

1. Identify the section(s) of the Ordinance that provides for the special use permit.
Table 12-1 - Use Matrix, and section 2000.D, Daycare ≥ 12 people in RP zone

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property.
See Addendum

3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.
See Addendum

4. State all facts that demonstrate that the proposed special use will not be detrimental or injurious to the health or welfare of the community.
See Addendum

**IF THE APPLICANT IS AN EDUCATIONAL OR HEALTH CARE INSTITUTION,
COMPLETE PAGES 10 AND 11 BELOW**

Zoning Board of Review – Application Addendum
150 Waterman Street, Providence, RI
27 June 2020

Appendix A

5. Applicant requests variance to maintain and provide childcare services at the current location. A portion of client's families are currently in temporary space which is due to expire. Applicant would like to service all existing families at a single location

6. The existing structure will not be increased in height or area within the side yard setback. The proposed addition, to the east results in the minimum sf area required by DHS for licensing requirements. The applicant is unable to utilize existing lower level of the main building because it did not meet licensing guidelines for "below grade" use. Therefore, this proposed addition is necessary to accommodate existing capacity in a single location in a safe and legal manner

8. The current childcare center use is not sufficient for existing enrollment. With all other options explored, this variance is needed to be able to continue to provide much needed childcare services to these existing families. RI DHS requires direct egress to grade and direct access to adequate outdoor play space. Minimum square footage requirements per child are addressed in the addition noted. Natural light from outdoors is also required for licensing approval. This variance is a necessity based on the above cited needs and regulations. Also, by maintaining building separation, we are limiting the building coverage, providing light and ventilation to the renovated space and not "overbuilding" the parcel with a connector.

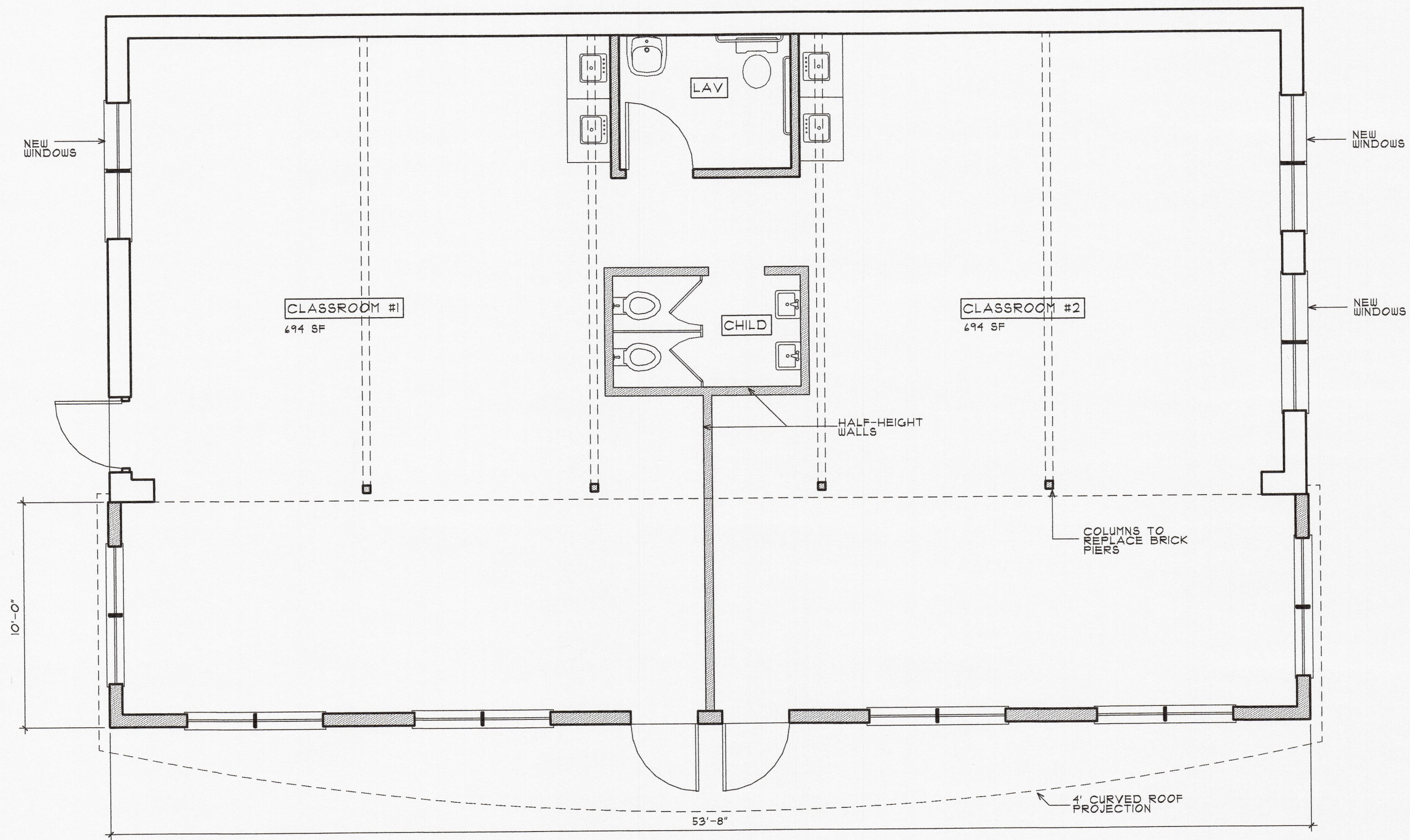
Appendix B

2. The main building has operated as a school and childcare center for many years without concern. The continuation of this use is consistent and is a service to the surrounding community. The renovation and use of the current five car garage is an extension of the existing use.

3. Convenient quality childcare centers within neighborhoods and communities are vital to working families. Continuing this use at the current location and the conversion of the existing structure provides ongoing service to the community.

4. The property is currently an existing childcare center servicing the community. Providing a single high-quality location for parents to drop off both infants, toddlers and preschoolers is a benefit to the community. The use of the proposed variance supports the well-being of working families in our community and neighborhood.

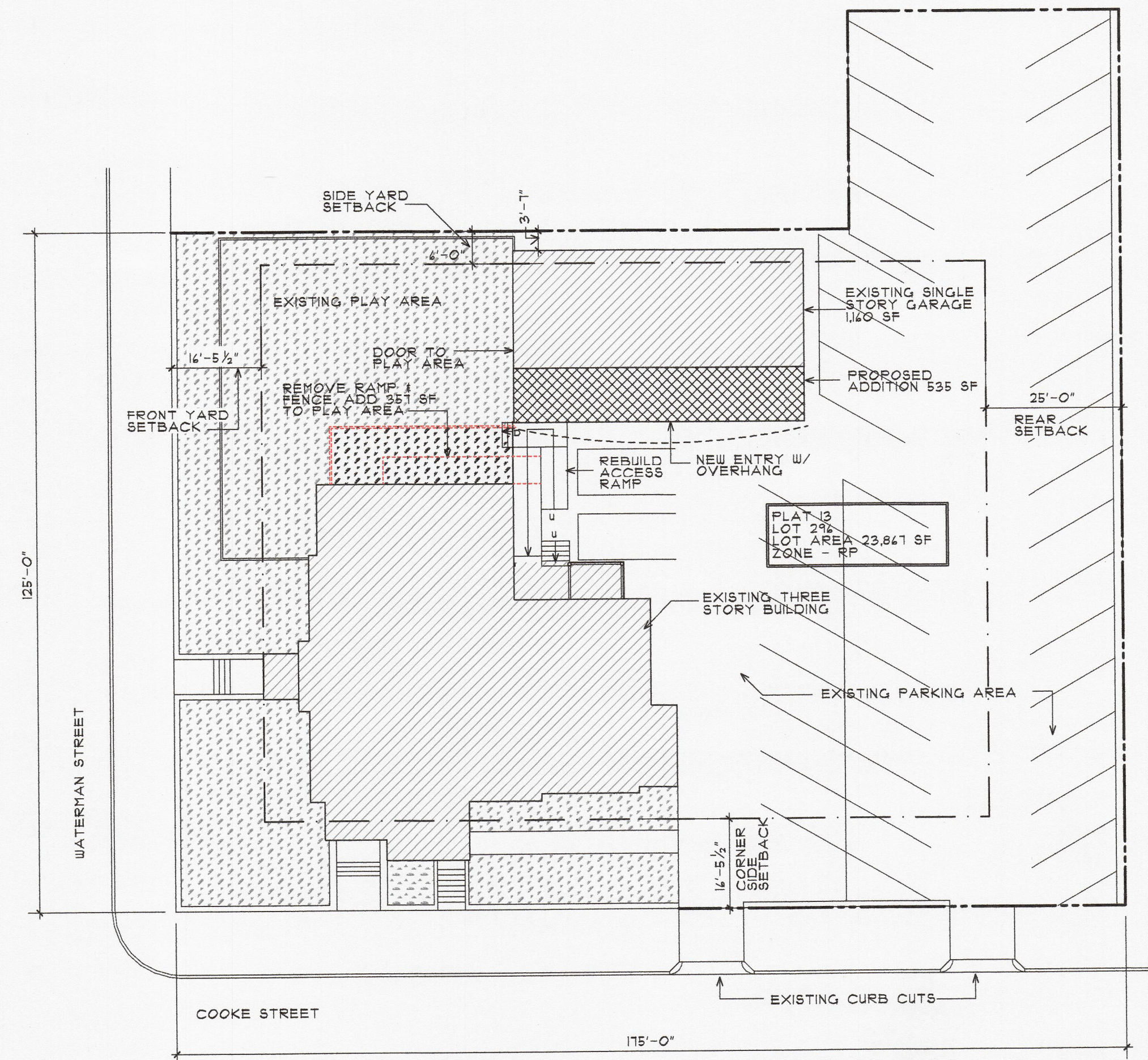
END OF ADDENDUM



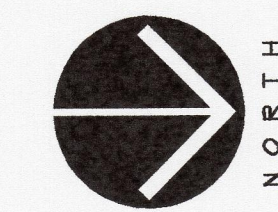
1 FIRST FLOOR PLAN
 A1.1 1/4" = 1'-0"
 CLASSROOMS - 1,336 SF
 29 STUDENTS @ 45 SF/ST.



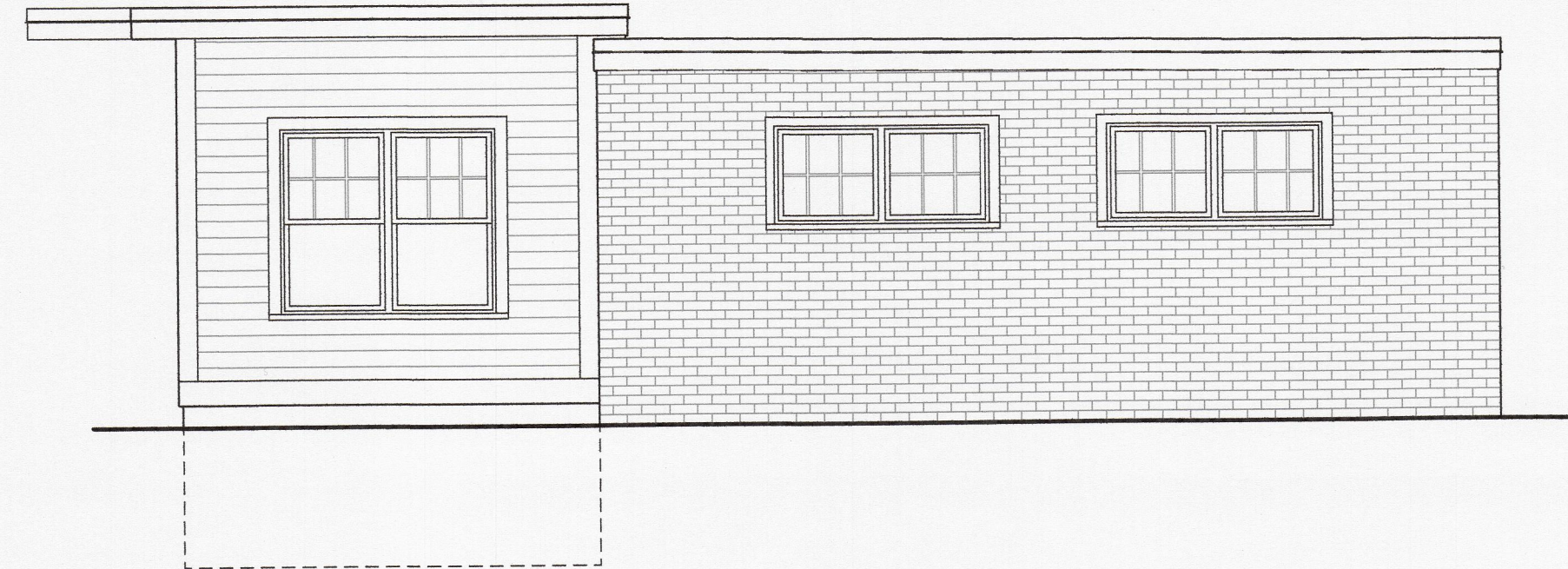
2 EAST ELEVATION
 A1.1 1/4" = 1'-0"



1 SITE PLAN
 C1.1 1" = 20'-0"



Lot Area	Building Coverage		Impervious Surface	
	SF	%	SF	%
23,867	4,890	20%	19,011	80%
	535	2%	(357)	-1%
	5,425	23%	18,654	78%



3 NORTH ELEVATION
 A1.1 1/4" = 1'-0"

RENOVATIONS AND ADDITIONS FOR
CHILDCARE CENTER
 150 WATERMAN STREET
 PROVIDENCE, RHODE ISLAND 02904

ACME ARCHITECT L.L.C.

9 SIMMONS ROAD
 LITTLE COMPTON
 RHODE ISLAND 02837
 T. 401 465 5247
 F. 401 635 8662
 MarkRappArchitect.com



FLOOR PLAN, ELEVATIONS
 SITE PLAN

DATE: 7/27/20
 SCALE: AS NOTED
 REVISIONS:

SHEET
A1.1