

CITY OF PROVIDENCE  
ZONING BOARD OF REVIEW

INSPECTION & STANDARDS  
RECEIVED

FEB 23 2024

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.

Southside Community Land Trust

Applicant: \_\_\_\_\_

andrew@southsideclt.org

Email: \_\_\_\_\_

9176083417

Phone: \_\_\_\_\_

Applicant Mailing Address

404 Broad Street

Street: \_\_\_\_\_

Providence, RI 02907

City, State, Zip: \_\_\_\_\_

Southside Community Land Trust

Owner: \_\_\_\_\_

andrew@southsideclt.org

Email: \_\_\_\_\_

9176083417

Phone: \_\_\_\_\_

Owner Mailing Address

404 Broad Street

Street: \_\_\_\_\_

Providence, RI 02907

City, State, Zip: \_\_\_\_\_

Lessee: \_\_\_\_\_

Lessee Mailing Address

Email: \_\_\_\_\_

Street: \_\_\_\_\_

Phone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Attorney: \_\_\_\_\_

Attorney Mailing Address

Email: \_\_\_\_\_

Street: \_\_\_\_\_

Phone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

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

179 Potters, 175 Potters, 171 Potters, 167 Potters, 163  
Potters, 161 Potters, 153 Potters, 151 Potters, and 151 A1/2  
Potters

1. Street Address of Subject Property: \_\_\_\_\_

Plat and Lot Numbers of Subject Property: \_\_\_\_\_

480706, 480707, 480794, 480711, 480712, 480715, 480741,  
480744, 480721, 480703

2. Base Zoning District(s): 110  
Overlay District(s): \_\_\_\_\_

3a. Date owner purchased the Property: 480703 - 3/22/23; 480706, 480707, 480711, 480794 - 3/20/00; 480712 - 11/18/05; 480741, 480721, 480715 - 12/15/98; 480744 - 12/31/03

3b. Month/year of lessee's occupancy: \_\_\_\_\_

4. Dimensions of each lot:

Lot # 480721 width: 36.5' depth: 45' total area square feet: 1643  
Lot # 480741 width: 46' depth: 60' total area square feet: 2717  
Lot # 480744 - width: 40' depth: 67.9 total area square feet: 2760  
Lot # 480703 Irregular layout 6' width along sidewalk, then 70 ft length on west side, then turning west 90 degrees and running for 40 ft, then turning north 90 degrees and running 35 feet, then turning east 90 degrees and running 45 feet, then turning south 90 degrees and running 105 feet to the sidewalk. Total Area: 1889 sq ft  
Lot # 480715 width: 46' depth: 105 total area square feet: 5109  
Lot # 480712 width: 39' depth: 105 total area square feet: 4095  
Lot # 480711 width: 39' depth: 105 total area square feet: 4095  
Lot # 480794 width: 39' depth: 105 total area square feet: 4095  
Lot # 480707 width: 37.6' depth: 105 total area square feet: 4032  
Lot # 480706 width: 39' depth: 105 total area square feet: 4095

5a. Size of existing structure(s) located on the Property:

Principal Structure:	Accessory Structure:
Area of Footprint <u>100 sq ft</u>	Area of Footprint <u>80 sq ft</u>
Overall Height <u>10 ft</u>	Overall Height <u>10 ft</u>
# of Stories <u>1</u>	# of Stories <u>1</u>

5b. Size of proposed structure(s) located on the Property:

Principal Structure:	Accessory Structure:
Area of Footprint _____	Area of Footprint _____
Overall Height _____	Overall Height _____
# of Stories _____	# of Stories _____

6a. Existing Lot Coverage:

Building Coverage (area of all roofed structures) 180 sq ft  
Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 180 sq ft  
Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) \_\_\_\_\_  
Front Yard Impervious Coverage (area of structures and impervious surface in front yard) \_\_\_\_\_

6b. Proposed Lot Coverage:

Building Coverage (area of all roofed structures) \_\_\_\_\_  
Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) \_\_\_\_\_  
Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) \_\_\_\_\_  
Front Yard Impervious Coverage (area of structures and impervious surface in front yard) \_\_\_\_\_

7a. Present Zoning Use of the Property: Community Garden/Urban Agriculture

7b. Legal Zoning Use of the Property as recorded in the Dept. of Inspection & Standards:  
Community Garden/Urban Agriculture

8. Proposed Zoning Use of the Property: Community Garden/Urban Agriculture

9. Number of Parking Spaces:

# of existing spaces n/a # of proposed spaces n/a

10. Are there outstanding violations concerning the Property under any of the following:

\_\_\_\_\_ Zoning Ordinance \_\_\_\_\_ 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>
1302	I.2. A_ 2 feet of setback of a 6-foot-high fence along the sidewalk for lots 706, 707, 794, 711, 712; 5 feet of setback for 6 foot high fence along the sidewalk for lots 715, 741, 744, 703

**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):**

We wish to put a 6 foot tall chainlink fence along the front of the property, within five feet of the sidewalk. The fence will run directly adjacent to the sidewalk for lots 703, 741, and 715; at the border of 715 and 712, the fence will turn 90 degrees inward (northward) and proceed 3 feet; the fence will then turn 90 degrees westward and run parallel to the sidewalk, 3 feet from the sidewalk, along lots 712, 711, 794, 707, and 706. It will be 6 foot tall chainlink for the entirety.

*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):**

Southside Community Land Trust

Type Name



Signature

Type Name

Signature

**Applicant(s):**

Southside Community Land Trust

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 existing 3' fence is very easy to step over, and the garden frequently has issues stemming from animals (especially dogs) and people hopping the fence, including: Gardeners feeling harassed or unsafe; vegetables and plants being taken or damaged; Unhoused people, sometimes with substance issues, sleeping and loitering in the garden; litter and drug paraphernalia including used needles left in the garden; miscellaneous trash and feces being left in the garden. Other gardens that have 6 foot fences suffer much less from these issues.

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

Community gardens are often attractive for trash dumping, substance use, squatting, and loitering because they are unoccupied at night. This is especially true of a place like Potters Garden, on a busy thoroughfare. The current 3 foot fence makes this property very inviting for loitering. Gardens with higher fences do not suffer to the same degree because those fences are harder to get over.

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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 ☒ \_\_\_\_\_

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

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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:
- 

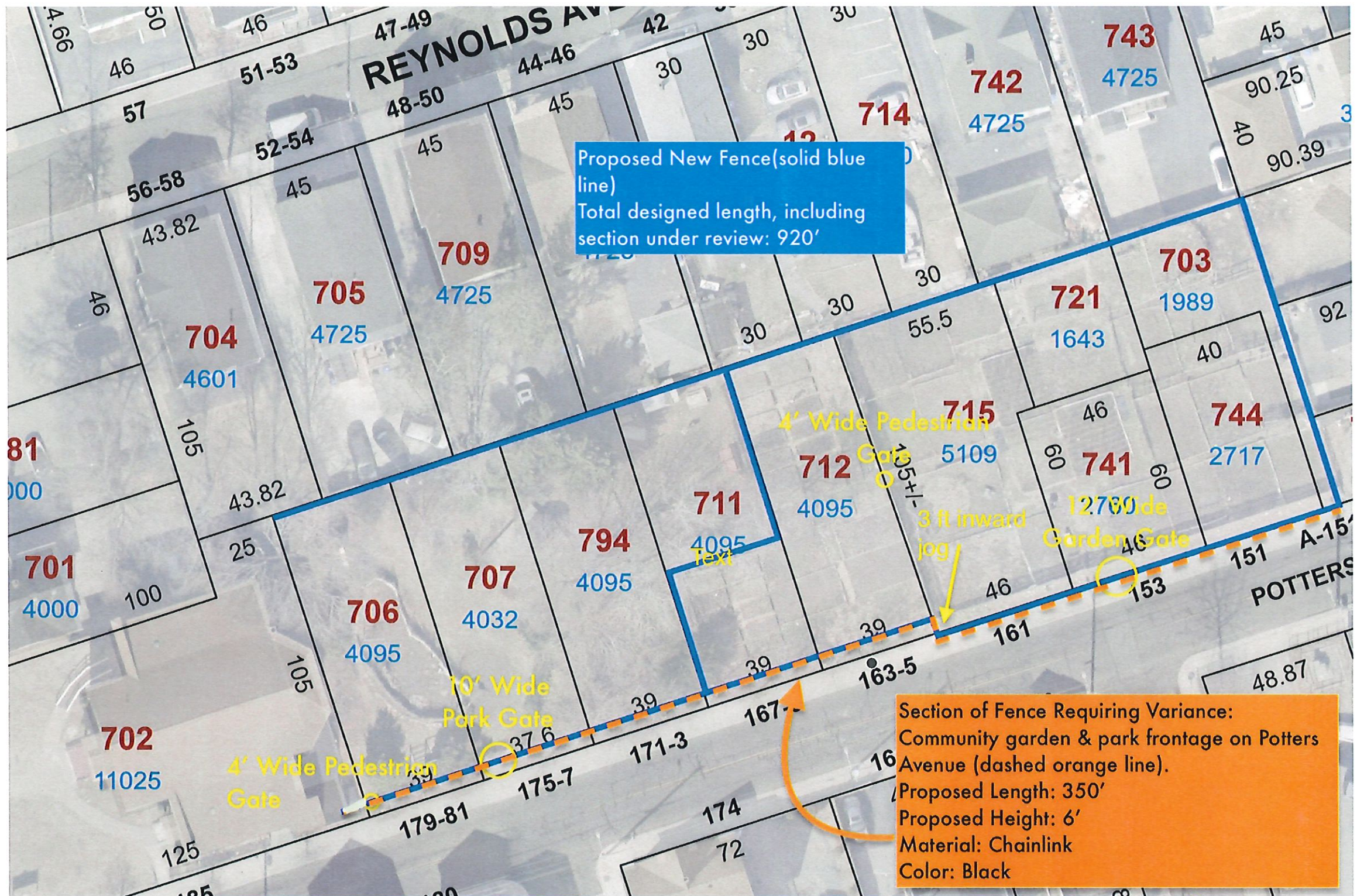
6. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience:

If we have to continue with a 3 foot fence, the gardeners will continue to have to deal with hazardous trash and waste and uninvited individuals and animals hopping the fence and damaging the garden. This has only gotten worse in recent years due to the rise in homelessness and drug use in the city. The plots of the garden closer to the 3 foot fence have had high turnover over the past decade, partly due to those gardeners leaving after being frustrated by damaged or missing vegetables and feeling unsafe. This has made it harder to grow needed food, maintain the property and build community. If this variance is not granted, this is likely to continue.

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



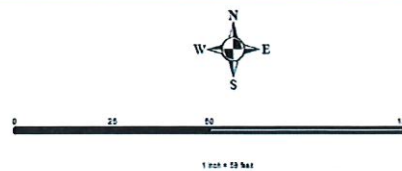
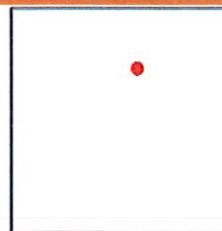


The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis.

Produced by the Providence Planning and Development GIS Lab  
444 Westminster Street, Providence, RI 02903

Data Sources:  
Providence Geographic Information System

Date: 1/16/2024



401 273  
9419  
Matt Tracy 404 Broad St., Providence RI 02907



PROVIDENCE, RHODE ISLAND

PROVIDENCE THE CREATIVE CAPITAL  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
JORGE O. ELORZA, MAYOR | BONNIE NICKERSON AICP, DIRECTOR



