

JAN 13 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:** NEF LLC

Address 1515 Smilh St #J

Zip Code 02911

E-mail dconley@conleylawri.com

Phone 401-415-9835

*Home/Office*

*Mobile (Cell)*

**Owner:** Same as Applicant

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:** 16 Virginia Ln  
*Street Address*

2. **Zoning District(s):** R-2  
**Special purpose or overlay district(s):** \_\_\_\_\_

3a. **Date owner purchased the Property:** 9/18/18

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

**3. Dimensions of each lot:**

Lot # <u>99-437</u>	Frontage <u>40</u>	depth <u>90</u>	Total area <u>3600</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:**

<b>Principal Structure:</b>	<b>Total gross square footage</b>	<u>0</u>
Footprint _____	Height _____	Floors _____
<b>Accessory Structure:</b>	<b>Total gross square footage</b>	_____
Footprint _____	Height _____	Floors _____

<b>5. Size of proposed structure(s):</b>	<b>Total gross square footage:</b>	<u>2304</u>
Footprint <u>1152</u>	Height _____	Floors <u>2</u>

**6a. Existing Lot coverage:** (include all buildings, decks, etc.) 0

**6b. Proposed Lot coverage:** (include new construction) 43.1%

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

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

**8. Proposed Use of Property (each lot/structure):**  
two family  
\_\_\_\_\_  
\_\_\_\_\_

**9. Number of Current Parking Spaces:** \_\_\_\_\_

**10. Describe the proposed construction or alterations (each lot/structure):**  
Construct two family  
\_\_\_\_\_  
\_\_\_\_\_

**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>T 4-1</u>	<u>Minimum Lot Area</u>
_____	_____
_____	_____

**13. Explain the changes proposed for the Property.**

The owner/applicant seeks to construct a two family on this vacant, residential lot. The owner/applicant requires dimensional relief (less than 10%) from Table 4-1 (minimum lot size). In an R-2 zone, 4000 square ft is required on existing lots for two family construction. The lot is 3600 square ft.

*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):**

**Applicant(s):**

NE LLC

Luis Vicioso

Dylan Conley, Esq.

Luis Vicioso

Type Name

Type Name

Signature

Signature

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:**

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

The owner/applicant seeks relief from the minimum lot size requirements for an existing lot in an R-2 zone. The size of the lot is 3600 sq. ft. and 4000 sq. ft. is required under the zoning ordinance.

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

The dimensional non-conformity is pre-existing and not the result of any action of the applicant. The requested relief is within less than 10% of minimum lot size dimensional requirements.

**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.**  
The non-conformity is pre-existing and not the result of the owner/applicant. The requested relief will bring the lot closer to conformance and consistency with the uses and character of the neighborhood, rather than for 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).**  
The owner/applicant cannot request lesser relief and still build a two-family at this location.

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.**  
If relief is not granted, the only build available for the owner/applicant is to build a single family, which creates challenges in terms of both purchase, rent, and construction costs. Much of the surrounding properties are multi-family properties with similar lot sizes.

**NOTES:**

1. Install sediment and erosion controls around the disturbed areas until entire site is stabilized with paving as propose, or full stand of grass has been established.
2. Move temporary construction fencing to the back of sidewalk and out of public ROW. The sidewalk shall not be obstructed
3. there is a existing lateral to the curb line as shown on the sewer plan. Preferred to tie into this
4. Runoff shall be controlled on site to the maximum extent possible.
5. Install new concrete sidewalks across full frontage. Ensure sidewalk elevations are considered to ensure an ADA compliant sidewalk is constructed
6. Utilize 2' radius curb returns at driveway opening.
7. All Catch basins in the area of construction shall be protected for the duration of construction.
8. NOTE: Down spouts shall not be connected to the sewer.

Include relevant standard details in the plan set and a note that the construction in the ROW must be in accordance with the City's Standard Details available at <http://www.providenceri.gov/public-works/forms/> under "Reports + Publications" or at <http://www.providenceri.gov/wp-content/uploads/2019/06/Providence-DPW-Standard-Details>

NOTE: All Curb Returns to be 2' x 2' Granite Curvature.  
 Maximum Lot Coverage Allowed = 45%  
 Lot Area = 3,600 Sq. Ft.  
 Building Area = 1,263 SQ. FT.  
 (1,152/3,600)100 = 32%

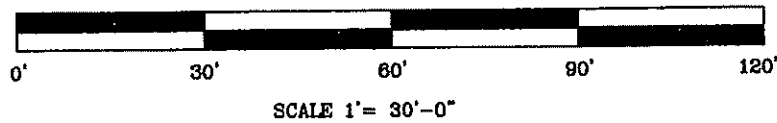
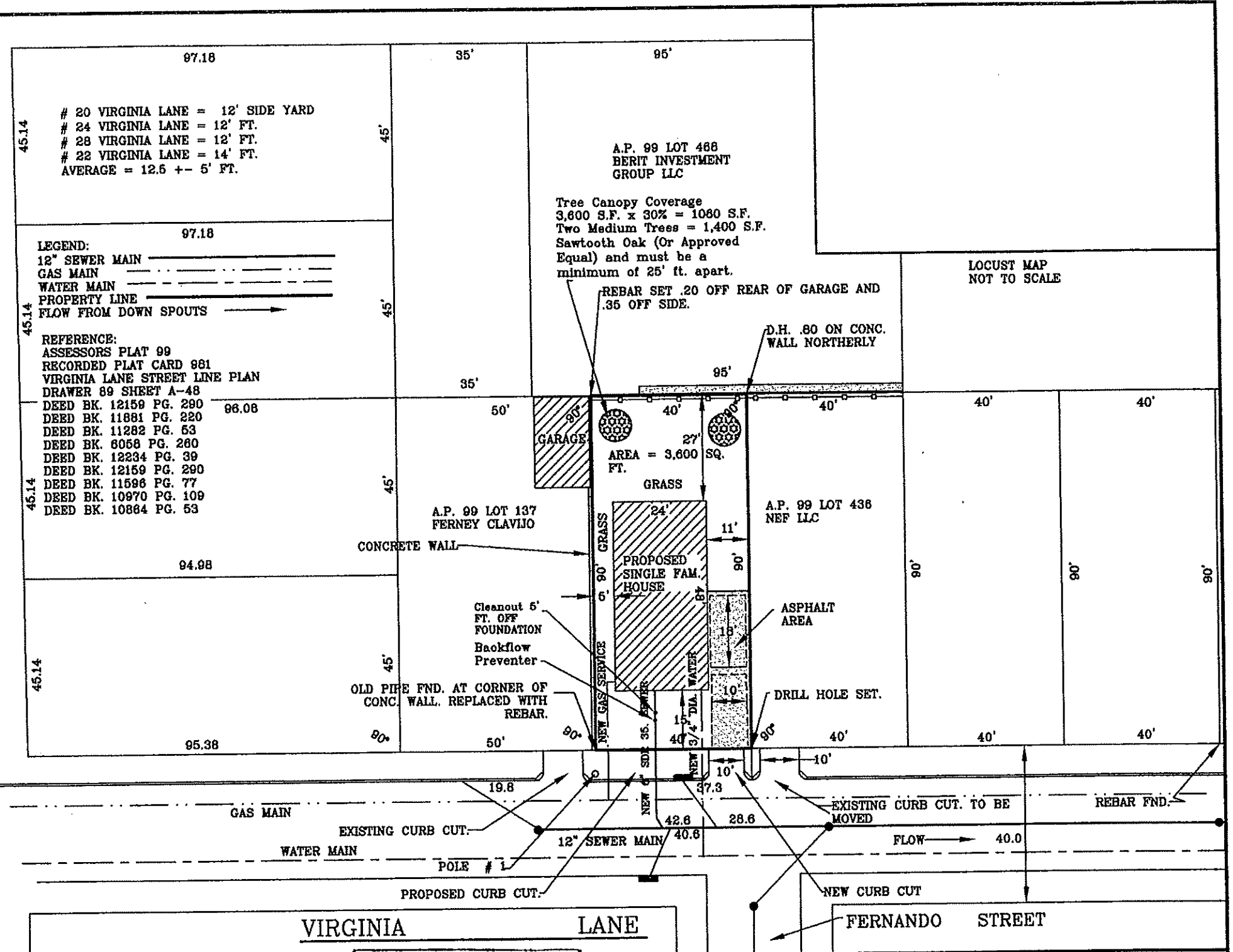
Maximum Impervious Surface front yard liner feet Allowed 33%  
 total front yard area = 600 SQ. FT.  
 driveway area in front (15x10) = 150 SQ. FT.  
 150/600 = 25%

Total Maximum Impervious Surface Allowed: 65%  
 Lot Area: 3,600 SQ. FT.  
 Building Area: 1,152 SQ. FT.  
 Total Driveway Area: 400 SQ. FT.  
 Total Imp. Area: 1,398 SQ. FT.  
 1,152/3,600 = 43.1%

NOTE: INSTALL CONCRETE SIDEWALKS  
 THERE ARE NO STORM SEWERS IN VIRGINIA LANE



DOUGLAS AVENUE



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 JANUARY 1, 2016, AS FOLLOWS:

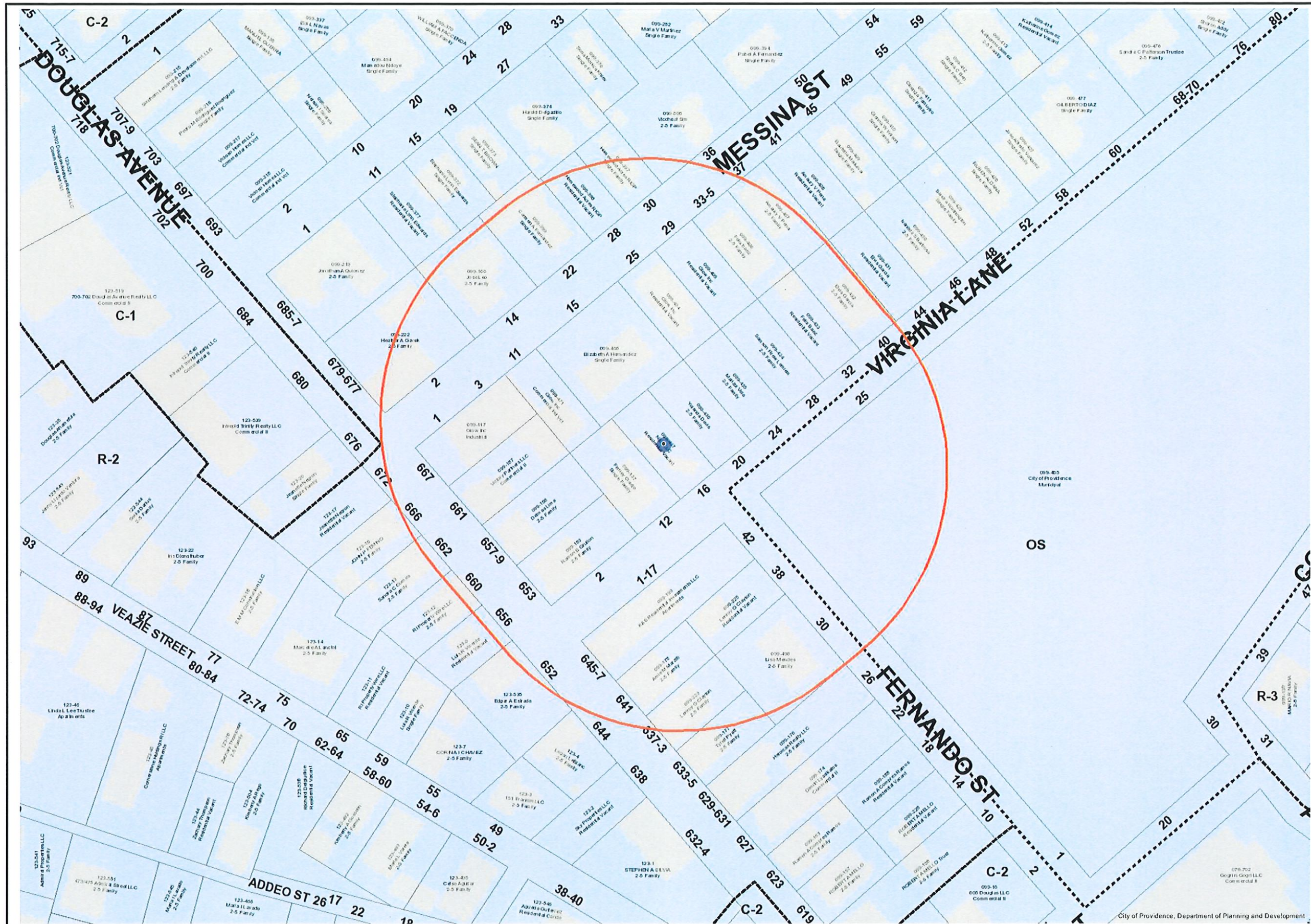
TYPE OF BOUNDARY SURVEY	MEASUREMENT SPECIFICATION
LIMITED CONTENT BOUNDARY SURVEY	1

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS TO ESTABLISH THE PERIMETER OF THE BOUNDARY

*George B. Dupont, P.L.S.* 5/21/22  
 GEORGE B. DUPONT P.L.S. #1563 1050 MAIN STREET, EAST GREENWICH R.I. 02818 (401) 206-1275

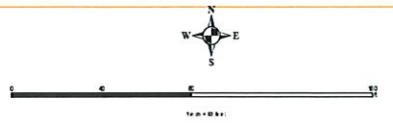
GEORGE B DUPONT  
 No. 1563  
  
 PROFESSIONAL LAND SURVEYOR

GEORGE B. DUPONT P.L.S.			
SURVEY AND PLOT PLAN			
DRAWN BY STEPHEN WILDENHAIN	APPROVED BY	APPROVED DATE 5/21/22	SCALE 1" = 30'-0"
16 VIRGINIA LANE PROVIDENCE, RI ASSESSORS PLAT 99 LOT 437		OWNER LRV PROPERTIES LLC. 407-777-5568	
EDITION 1	SHEET 1 OF 1		



City of Providence, Department of Planning and Development

The information depicted on this map is for planning purposes only. It is not intended to be used for legal or regulatory purposes. Produced by the Providence Planning and Development GIS Unit, 644 Westminster Street, Providence, RI 02903. Data Source: Providence Geographic Information System. Date: 12/11/2022



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







