

FEB 08 2023

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 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: Waterman and Ives Realty, LLC

Address 362 Ives Street

Zip Code 02906

E-mail rducoff@aol.com

Phone 401-861-4358

Home/Office

401-529-9310

Mobile (Cell)

Owner: Waterman and Ives Realty, LLC

Address 362 Ives Street

Zip Code 02906

E-mail rducoff@aol.com

Phone 401-861-4358

Home/Office

401-529-9310

Mobile (Cell)

Lessee: N/A

Address N/A

Zip Code N/A

E-mail N/A

Phone: N/A

Home/Office

N/A

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:** 176 Waterman Street

Street Address

Residential Professional

2. **Zoning District(s):** _____

Special purpose or overlay district(s): N/A

3a. **Date owner purchased the Property:** February 26, 2020

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

3. Dimensions of each lot:

Lot # <u>326</u>	Frontage <u>50</u>	depth <u>96</u>	Total area <u>4,915</u>	sq. ft.
Lot # <u>353</u>	Frontage <u>50</u>	depth <u>100</u>	Total area <u>4,977</u>	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>5,750</u>
Footprint <u>2,741</u>	Height <u>?</u>	Floors <u>3</u>

Accessory Structure:	Total gross square footage	<u>1,200</u>
Footprint <u>1,200</u>	Height <u>?</u>	Floors <u>1</u>

5. Size of proposed structure(s):	Total gross square footage:	<u>N/A</u>
Footprint <u>N/A</u>	Height <u>N/A</u>	Floors <u>N/A</u>

6a. Existing Lot coverage: (include all buildings, decks, etc.) Lot 326: 56% / Lot 353: 24%

6b. Proposed Lot coverage: (include new construction) N/A

7a. Present Use of Property (each lot/structure):
Mixed use: dental office/residential (6 dwelling units)

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards:
Use 1: Dwelling - Two Family / Use 2: Medical/Dental/Office

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

9. Number of Current Parking Spaces: Lot 326: 0 / Lot 353: 13 (plus 3 in the garage)

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

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:
Section 4 Total maximum impervious surface coverage
Section 4 Maximum impervious surface coverage - rear yard

13. Explain the changes proposed for the Property.

See Exhibit A.

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):

Waterman and Ives Realty, LLC

Type Name

By: *Robert J. Duaff*
Signature *MANAGER*

Type Name

Signature

Applicant(s):

Waterman and Ives Realty, LLC

Type Name

By: *Robert J. Duaff*
Signature *MANAGER*

Type Name

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?

See Exhibit A. _____

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

See Exhibit A. _____

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 X _____ No _____

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

See Exhibit A. _____

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 Exhibit A. _____

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 Exhibit A. _____

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 Exhibit A. _____

EXHIBIT A

Part I. Clarifications and Additions to Main Application

To Question 3

The applicant plans on merging these two lots. It has applied for an administrative subdivision concurrently with this application for a variance.

To Question 4

The principal structure (currently on Lot 326) is a three-story structure which contains dental office(s) and six residential dwelling units.

The accessory structure (currently on Lot 353) is a three-bay garage.

To Question 6(a)

After merger, lot coverage would be 40%.

To Question 7(b)

The Zoning Certificate reflects Legal Use 1 as “Dwelling – Two Family.” However, this property has been used as a multi-family for decades.

To Question 8

There is no new use per se. Lot 326 has been used as a combination dental office and multi-family for decades. This variance and the related merger with Lot 353 are together intended to make this customary use lawful and officially recognized.

To Question 13

The applicant intends to merge Lot 326 and Lot 353. This merger has been initiated concurrently with this application. The purpose of the merger is to ensure adequate lot size for the current and longtime use of the property (i.e., a dental office and six residential dwelling units). However, curing this non-conformity will create two other non-conformities with respect to impervious surface coverage. This application seeks relief from these non-conformities with respect with impervious surface coverage, as will be further set forth in Appendix A.

Part II. Clarifications and Additions to Appendix A (Dimensional Variance)

To Question 1

The applicant seeks relief from (a) maximum impervious surface coverage – rear yard and (b) total maximum impervious surface coverage, both as set forth in Section 4 of the Zoning Ordinance. Following the merger, as described in the Application, rear yard impervious surface coverage will be approximately 85% (opposed to 50% permitted) and total impervious surface coverage will be 65% (opposed to 65% permitted).

To Question 2

This variance and the related lot merger have their origin in an attempt to correct the city record with respect to the longtime use of Lot 326. The three-story structure on Lot 326 has been utilized as mixed commercial/multi-family for decades. City records are inconsistent concerning its use as a one or two family, but, in any event, the reality of its use as a multi-family has never been properly recognized, despite such multi-family use being customary, consistent with the comprehensive plan, in accord with prevailing use in the neighborhood, and recommended from the perspective of rational development. To cure this non-conformity, the applicant is merging Lot 326 and Lot 353. However, Lot 353 is a longtime parking lot and thus almost entirely covered with impervious surface. This unique characteristic of Lot 353 has the effect of badly skewing the impervious surface coverage proportion for the lot that will result from the merger. However, even as it is, Lot 353 is non-conforming with regard to impervious surface coverage and its use for principal parking. This variance, and the merger, if granted, would actually eliminate those two non-conformities (as well as Lot 326's current density non-conformity). Moreover, it would eliminate Lot 326's current non-conformity with regard to parking spaces.

To Question 4

As explained above, the applicant is presently applying for a merger of Lot 326 and Lot 353. The merger will cure certain non-conformities, but will result in non-conformities with respect to total maximum impervious surface coverage and maximum impervious surface coverage for the rear yard.

To Question 5

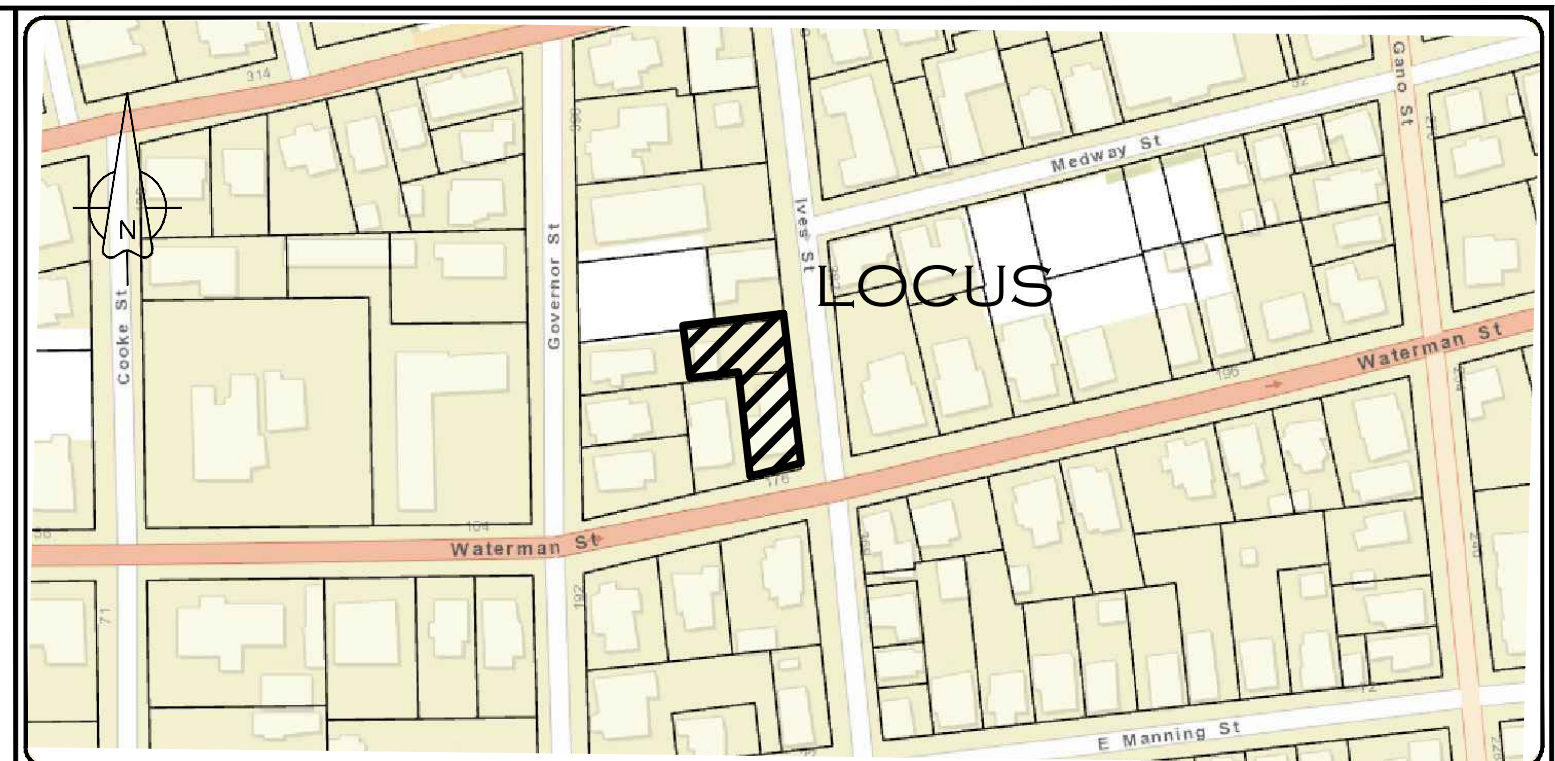
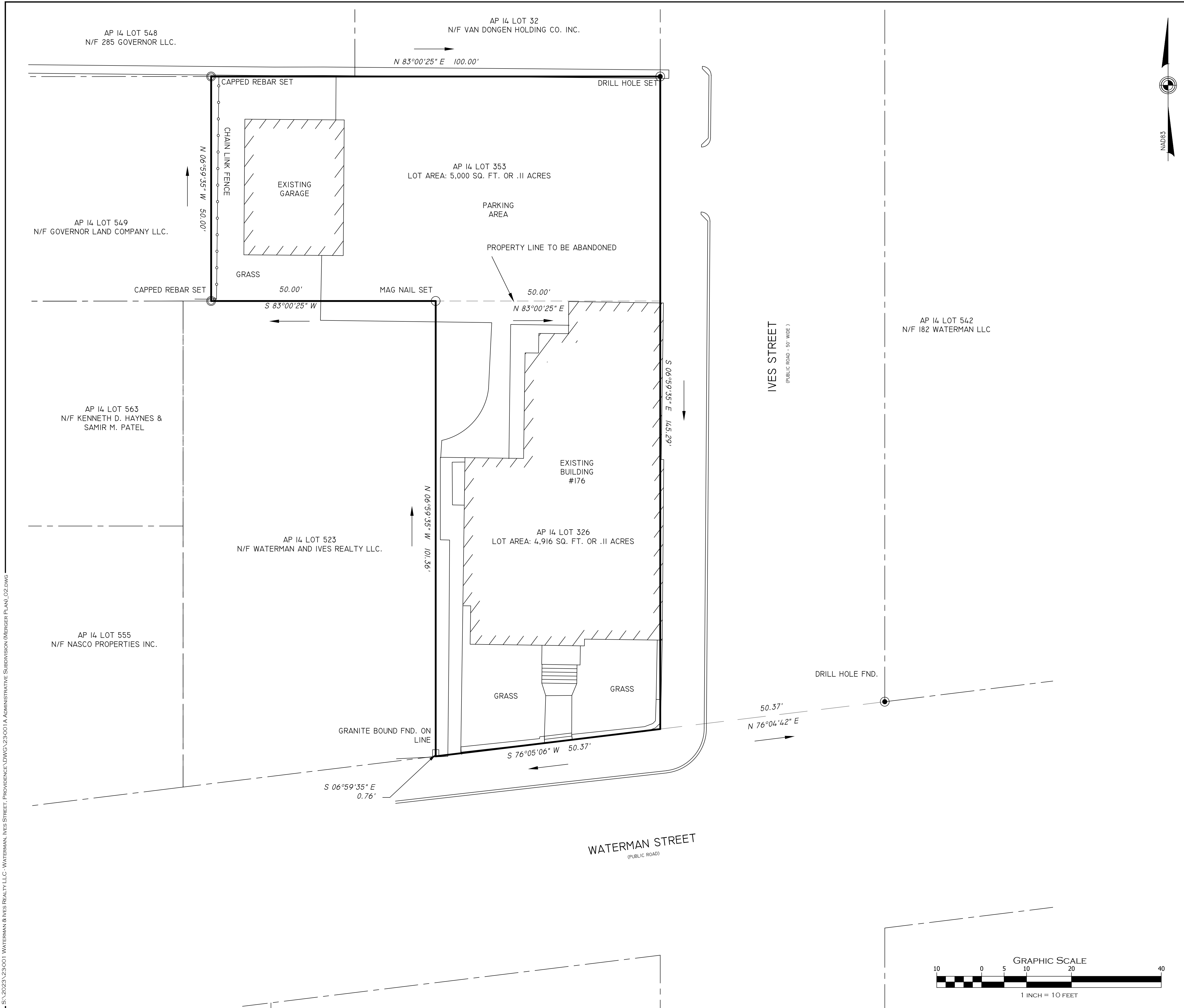
The applicant is not motivated primarily by greater economic gain, but is seeking to regularize existing use, which will have the advantageous effect of curing a couple of other non-conformities. The multi-family use of Lot 326 is customary and longtime: to the best of the applicant's knowledge and research, there have been *at least* four residential dwelling units in the building since the 1970s. The merger concurrently sought by the applicant will resolve the density issue. However, because Lot 353 is a parking lot, the newly created lot will unavoidably have impervious surface coverage issues. Nevertheless, Lot 353 is already non-conforming in this regard; after the merger, and with this variance, the degree of non-conformity will be reduced. Additionally, the merger (which cannot occur without variance) will eliminate a principal use parking lot. The use of the resulting lot will be customary, consistent with the comprehensive plan, in accord with prevailing use in the neighborhood, and recommended from the perspective of rational development. It will also remedy another existing non-conformity: namely, Lot 326's total lack of parking.

To Question 6

There is no feasible alternative to relief. The footprint of the house and the garage cannot be reduced; the parking lot is a longtime, necessary, and rational use. The parking lot reduces street parking congestion and, after the merger, will eliminate the existing parking space non-conformity with respect to the current Lot 326.

To Question 8

Without relief hereunder, the merger of Lot 326 and Lot 353 cannot occur. If the merger does not occur, then the applicant's use of Lot 326 would remain irregular. This irregularity would substantially reduce the marketability of the property and thus hinder investment in the neighborhood, with redounds to the advantage of the city. Alternatively, if the merger occurred but required the actual reduction of impervious surface coverage, the applicant would be required to reduce the paved area, which would be onerous, time-consuming, disagreeable from a planning perspective, and contrary to the highest, best and most economically rational use of the premises.



GENERAL NOTES:

- LOTS SHOWN ARE DESIGNATED AS LOTS 326 & 353 ON ASSESSORS MAP 19
- OWNER OF RECORD: WATERMAN AND IVES REALTY LLC
362 IVES STREET
PROVIDENCE, RHODE ISLAND
- FEMA REFERENCE: SITE IS ENTIRELY LOCATED IN ZONE X AS DEPICTED UPON FIRM MAP 44007C0309K WITH AN EFFECTIVE DATE OF 10/02/2015.
- EXISTING LOTS: 2 PROPOSED LOTS: 1
- EXISTING LOT AREA: 5,000 SQ. FT. OR .11 ACRES (AP 14 LOT 353)
4,916 SQ. FT. OR .11 ACRES (AP 14 LOT 326)
PROPOSED LOT AREA: 9,916 SQ. FT. OR .22 ACRES
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FINDINGS SUCH A REPORT MIGHT DISCLOSE. PROPERTY LINES SHOWN ON THIS SURVEY/PLAT REPRESENT CURRENT PHYSICAL FIELD CONDITIONS AND EVIDENCE OF APPARENT POSSIBLE POSSESSION. ANY REFERENCES TO PUBLIC RECORDS HEREON REFLECTS TO THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON AND REFERENCE TO THE SAME DOES NOT, AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR TITLE OPINION.

ZONING DISTRICT: R-P

MINIMUM LOT AREA: SF/SD EXISTING LOTS - NONE
SF/SD NEW SUBDIVISIONS - 5,000 SF
2F EXISTING LOTS - 3,500 SF
2F NEW SUBDIVISIONS - 5,000 SF
3F - 5,000 SF
RH - 5,000 SF MIN. WITH AT LEAST 1,650 SF/DU
MF - 5,000 SF MIN. WITH AT LEAST 1,650 SF/DU
NON-RESIDENTIAL - 5,000 SF

MINIMUM LOT WIDTH: SF/SD EXISTING LOTS - NONE
SF/SD NEW SUBDIVISIONS - 50'
2F EXISTING LOTS - 35'
3F, MF & NON-RESIDENTIAL - 50'
RH - 50' MINIMUM WITH AT LEAST 12'/DU
MF - 50' MINIMUM WITH AT LEAST 12'/DU
NON-RESIDENTIAL - 50'

MAXIMUM BUILDING HEIGHT: 45', LOTS OF 2,500 SF OR LESS: 32', NOT TO EXCEED 2 STORIES

MAXIMUM BUILDING COVERAGE SF, SD, 2F, 3F, RH: 45%
MAXIMUM BUILDING COVERAGE MF, NON-RESIDENTIAL: 55%
MAXIMUM IMPERVIOUS SURFACE COVERAGE FRONT YARD: 33%
MAXIMUM IMPERVIOUS SURFACE COVERAGE REAR YARD: 50%
TOTAL MAXIMUM IMPERVIOUS SURFACE COVERAGE: 65%
MINIMUM SETBACKS: FRONT - SEE NOTE*
INTERIOR SIDE - LOT WIDTH 40' OR LESS: 4', LOT WIDTH MORE THAN 40' AND LESS 60': 6'
LOT WIDTH 60' OR MORE: 10'
CORNER SIDE - SAME AS FRONT
REAR - 25% OF LOT DEPTH OR 25', WHICHEVER IS LESS

*NOTE:
THE FRONT SETBACK REQUIREMENT IN RESIDENTIAL DISTRICTS IS A REQUIRED BUILD-TO-ZONE CALCULATED ACCORDING TO AN AVERAGING PROVISION, AS FOLLOWS:
1. THE BUILD-TO-ZONE IS CALCULATED AS THE AVERAGE OF THE FRONT SETBACKS OF DEVELOPED LOTS WITHIN 100 FEET ON EITHER SIDE OF THE SUBJECT LOT ON THE SAME SIDE OF THE STREET AS THE SUBJECT LOT. ANY LOTS WITHIN THIS DISTANCE THAT ARE ONLY PARTIALLY WITHIN THIS 100 FEET ARE ALSO INCLUDED IN THE CALCULATION. THE RESULTING CALCULATION CAN BE INCREASED OR DECREASED BY FIVE FEET TO ESTABLISH THE BUILD-TO-ZONE.
2. IF THERE ARE NO BUILDINGS ON THE SAME SIDE OF THE STREET, DEVELOPED LOTS WITHIN 100 FEET IN BOTH DIRECTIONS ON THE OPPOSITE SIDE OF THE STREET ARE USED FOR AVERAGING TO CALCULATE THE REQUIRED MINIMUM FRONT SETBACK. ANY LOTS WITHIN THIS DISTANCE THAT ARE ONLY PARTIALLY WITHIN THIS 100 FEET ARE ALSO INCLUDED IN THE CALCULATION. THE RESULTING CALCULATION CAN BE INCREASED OR DECREASED BY FIVE FEET TO ESTABLISH THE BUILD-TO-ZONE.
3. IF THERE ARE NO BUILDINGS ON THE SAME SIDE OR THE OPPOSITE SIDE OF THE STREET, THE REQUIRED FRONT BUILD-TO-ZONE IS SET AS THE AREA BETWEEN 5% AND 15% OF THE LOT DEPTH.

VARIANCES REQUESTED:

ZONING ORDINANCE TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

1. TOTAL MAXIMUM IMPERVIOUS SURFACE ALLOWED: 65% PERMITTED MERGED LOTS 326 AND 353: 7,905 SF / 9,916 SF	80% PROPOSED
2. TOTAL MAXIMUM IMPERVIOUS SURFACE REAR YARD: 50% PERMITTED MERGED LOTS 326 AND 353: 4,260 SF / 5,000 SF	85% PROPOSED

CERTIFICATION:
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 2021, AS FOLLOWS:
• LIMITED CONTENT BOUNDARY SURVEY: CLASS 1

Marc N. Nyberg
MARC N. NYBERG / LICENSE No. 1797 / COA No. A52

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

ADMIN SUB - MERGER 24X36

"AP 14 LOTS 326 & 353"
176 WATERMAN STREET & 362 IVES STREET,
PROVIDENCE, RHODE ISLAND

APPLICANT: WATERMAN AND IVES REALTY LLC
362 IVES STREET, PROVIDENCE, RHODE ISLAND

JOB # 23-001	SCALE: 1" = 10"	DRAWN BY: LFR	DATE: 2/14/2023
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REVISED:

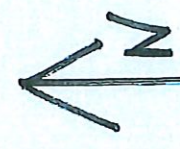
INSITE Engineering Services, LLC
PROFESSIONAL ENGINEERS | LAND SURVEYORS
Precision. Clarity. Certainty.

InSite Professional Complex, Suite 1
1539 Fall River Avenue, Seekonk, MA 02771
Phone: (508) 336-4500 Fax: (508) 336-4558

501 Great Road, Unit 104
North Smithfield, RI 02896
Phone: (401) 762-2870 Fax: (401) 762-2871
Web Address: InSiteEngineers.com

SHEET 1 OF 1

S:\2023\23001 WATERMAN & IVES REALTY, LLC - WATERMAN, IVES STREET - PROVIDENCE.DWG\23001A ADMINISTRATIVE SUBDIVISION (MERGER PLAN)_02.DWG



ANGELL ST

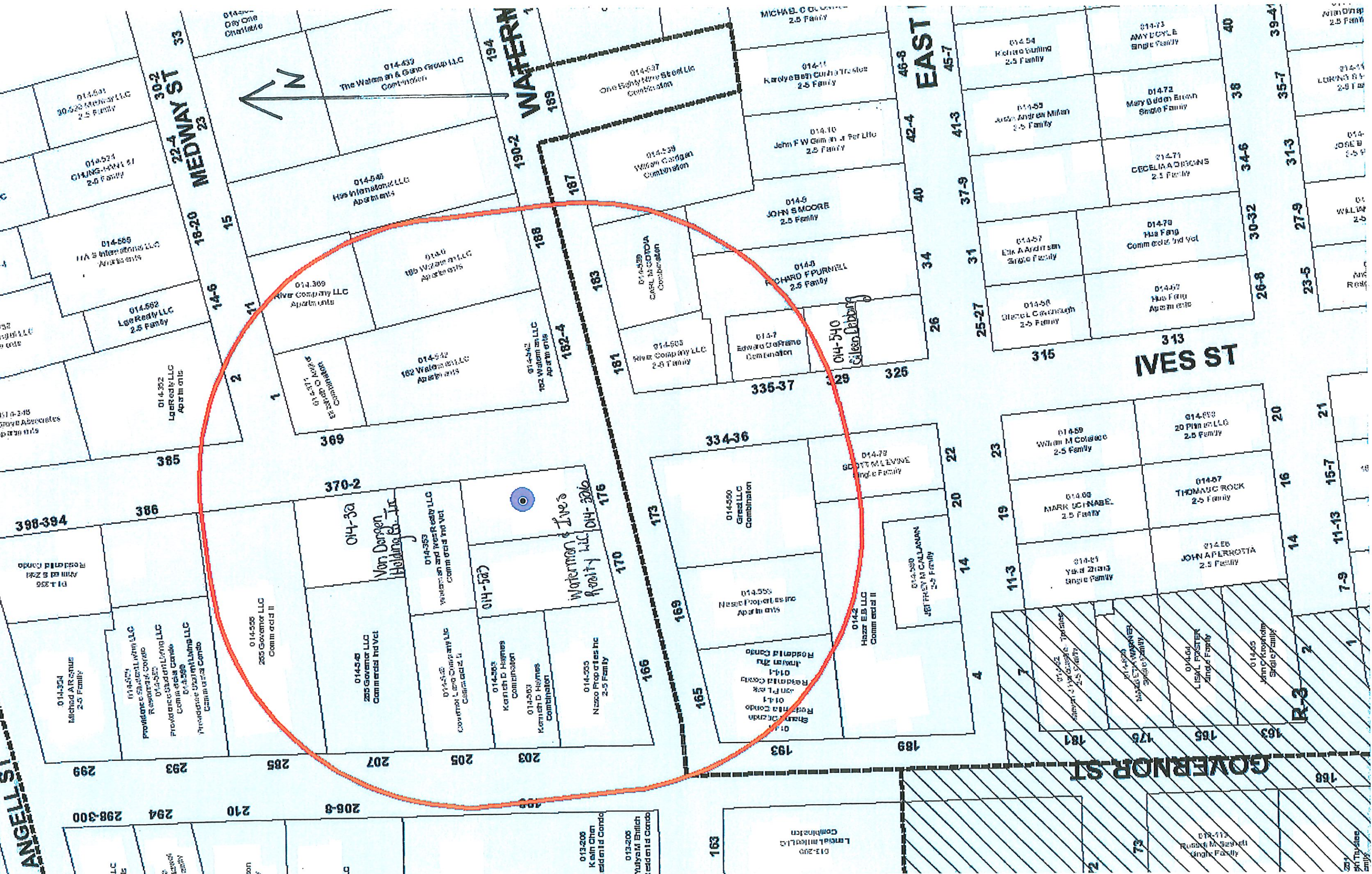
MEDWAY ST

WATERN

EAST

IVES ST

GOVERNOR ST



014-501
20-523 MEDWAY LLC
2-5 Family

014-524
CHUNG-HWANG ST
2-5 Family

014-555
HA S International LLC
Apartments

014-562
Lee Realty LLC
2-5 Family

014-392
Liquored LLC
Apartments

014-348
Liquored LLC
Apartments

014-439
The Waterm an & Gano Group LLC
Combination

014-545
Hys International LLC
Apartments

014-389
River Company LLC
Apartments

014-0
185 Waterm an LLC
Apartments

014-542
182 Waterm an LLC
Apartments

014-542
182 Waterm an LLC
Apartments

014-537
One Sashy Hwy Street LLC
Combination

014-539
Wilson Carigan
Combination

014-539
CASTLE MONTANA
Combination

014-505
River Company LLC
2-5 Family

014-7
Edward Drefano
Combination

014-540
Caleen Debby

MICHAEL C OLLIVER
2-5 Family

014-11
Karye Beth Curtis Trustee
2-5 Family

014-10
John F W Gilman Jr Per LHO
2-5 Family

014-9
JOHN SMOORE
2-5 Family

014-8
RICHARD F PURNELL
2-5 Family

014-7
Edward Drefano
Combination

014-540
Caleen Debby

014-54
Richard Gilling
2-5 Family

014-73
AMY DOYLE
Single Family

014-53
Alisha Andrea Miller
2-5 Family

014-72
Mary Ellen Brown
Single Family

014-71
CECELIA ADRIANS
2-5 Family

014-70
HUB FRIE
Commercial Ind Vcl

014-67
Erik A Andriessen
Single Family

014-66
HUB FRIE
2-5 Family

014-67
HUB FRIE
Apartments

014-394
Residential Condo

014-394
Michael A Rasmus
2-5 Family

014-394
Providence Student Living LLC
Residential Condo

014-394
Providence Student Living LLC
Residential Condo

014-394
Providence Student Living LLC
Residential Condo

014-394
Providence Student Living LLC
Residential Condo

014-555
Governor LLC
Commercial II

014-540
Governor LLC
Commercial Ind Vcl

014-540
Governor LLC
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014-555
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014-555
Nasco Properties Inc
2-5 Family





Mahra B. Rubinstein, DDS, FAGD

Robert J. Ducoff, DMD, FAGD

David W. Persky, DMD

General, Cosmetic & Implant Dentist

Dental Sleep Medicine

401-861-4358

drsrubinsteinandducoff.com

← Use side Entrance 362 Ives Street







