

Jorge O. Elorza
Mayor

Marc Greenfield
Chair



Zoning Board of Review

RESOLUTION NO. 2022-31

December 15, 2022

IN RE: Application for Dimensional Variances
(Fence height)

PROPERTY: Tax Assessor's Plat 31, Lots 592, 275, and 274
178 Hanover Street and 177 + 181 Bellevue Street
(R-3 Residential Zoning District)

OWNER/
APPLICANT: Wat Thormikaram of Rhode Island, Inc.
177 Hanover Street
Providence, RI 02907

COUNSEL: John Garrahy, Esq.
2088 Broad Street
Cranston, RI 02905

FILED
 2022 DEC 15 AM 11:13
 DEPT. OF CITY CLERK
 PROVIDENCE, R.I.

On November 9, 2022, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing on the request by the Owner and Applicant (together the "Applicant"), for a dimensional variance at the above-designated Property. The following members of the Board were present throughout the hearing: Chair Greenfield, Mr. Wolf, Ms. Maniotes, Ms. Rodriguez, and Mr. Scott. Mr. Mitchell was not present for this matter.

WHEREAS, the Applicant sought dimensional relief from the requirements of Table 4-1 of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance") to construct an ornamental wall/fence/gate that is greater than 3 feet in height within 5 feet of the front lot lines of each of the subject properties, and ranges in total height from 5'-6" to 15 feet; and

WHEREAS, prior to the hearing, the members of the Board individually made inspections of the Property and of the surrounding neighborhood; and

WHEREAS, Attorney John Garrahy presented the application, the testimony of zoning and building code consultant Michael McHugh and testimony of Mr. Samang Becker, on behalf of the Applicant, with respect to the reasons for the relief sought; and

WHEREAS, there was no written or oral comment on the matter; and

WHEREAS, the Board received, and the Chair read into the record, the November 9, 2022 recommendation of the Department of Planning and Development ("DPD") recommending the granting of the dimensional variances.

NOW, THEREFORE, after consideration of the application, the testimony, and all the evidence of record, upon motion by Mr. Wolf, seconded by Mr. Scott, the Board voted (5-0) to APPROVE the application for dimensional variances.

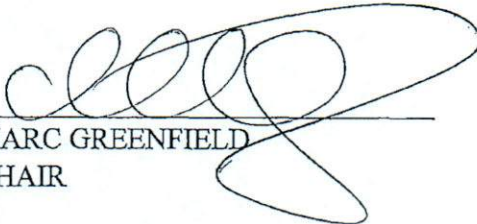
**THE BOARD HEREBY MAKES THE FOLLOWING
FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The Property is located in an R-3 Residential District and consists of three lots used by the Applicant as a place of worship and dwellings units for monks. The Buddhist Temple is on lot 592 fronting on Hanover Street, while the two houses are on lots 275 and 274 which front on Bellevue Street. The lots total approximately 16,223 square feet.
2. Section 1302.I.2.a. and 1302.I.1.f. of the Ordinance limit fences and walls to a maximum of 3 feet in height within 5 feet of a front lot line, and limit total fence height to 6 feet in other areas. The Applicant seeks a variance for a fence/wall/gate ranging from 5'-6" to 15'-0".
3. The Board finds that the relief sought is due to the unique characteristics of the subject property based on the use as a place of worship and the documented religious and cultural significance of the proposed gates, as illustrated by the testimony.
4. The Board finds that the relief is not sought primarily from the desire of the Applicant to realize greater financial gain, but to build fence/wall/gate structures that are religiously significant and proscribed.
5. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicant. Nor is it the result of any prior action of the Applicant.
6. The Board further finds that granting the requested dimensional variance will not alter the general character of the surrounding area or impair the intent or purpose of the Ordinance or the Comprehensive Plan. The Board agrees with the report and recommendation of the DPD that the unique characteristics of the property are based on its use as a religious complex within a residential neighborhood.

- 7. The evidence demonstrates that the relief sought is the least relief necessary, and the Board concludes that the hardship suffered by the Applicants of the subject property, if the dimensional variances are not granted, will amount to more than a mere inconvenience. The proposed height of the ornamental fence/wall/gate structures are required to afford the artistic representations and religious symbolism of the tenets of Buddhism.

WHEREFORE, upon motion by Mr. Wolf, seconded by Mr. Scott, the Board voted (5-0) to APPROVE the application for dimensional variances for fence/wall height.

By Order of the Zoning Board of Review.



MARC GREENFIELD
CHAIR

NOTICE TO OWNERS/APPLICANTS:

- A SECTION 1901/1902 OF THE ORDINANCE REQUIRES THAT ANY VARIANCE OR SPECIAL USE PERMIT GRANTED BY THE BOARD SHALL EXPIRE SIX MONTHS AFTER THE DATE OF THE FILING OF THE RESOLUTION IN THE OFFICE OF THE BOARD UNLESS THE APPLICANT SHALL, WITHIN THE SIX MONTHS, OBTAIN A LEGAL, COMPLETE BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; IF NO CONSTRUCTION IS REQUIRED, THE APPLICANT SHALL OBTAIN A LEGAL BUILDING PERMIT FOR THE USE, OR A CERTIFICATE OF OCCUPANCY. DEMOLITION AND FOUNDATION PERMITS ARE NOT BUILDING PERMITS FOR PURPOSES OF THIS REQUIREMENT. NO PERMIT OR CERTIFICATE OF OCCUPANCY WILL ISSUE UNTIL THE OWNER AND/OR ITS REPRESENTATIVE COMPLIES WITH PARAGRAPH B BELOW.
- B. THE ORIGINAL RESOLUTION IS ON FILE IN THE OFFICE OF THE ZONING BOARD OF REVIEW. THE OWNER OR THEIR REPRESENTATIVE MUST OBTAIN THE ORIGINAL RESOLUTION FROM SAID OFFICE, RECORD THE RESOLUTION IN THE CITY'S LAND EVIDENCE RECORDS, AND PROVIDE COPIES OF THE RECORDED RESOLUTION TO BOTH THE OFFICE OF THE ZONING BOARD OF REVIEW AND THE DEPARTMENT OF INSPECTION AND STANDARDS.

MOTION TO APPROVE THE DIMENSIONAL VARIANCE

MADE BY: Wolf
 SECONDED BY: Scott
 MEMBERS VOTING IN FAVOR: Wolf, Scott, Maniotes
 MEMBERS VOTING AGAINST: None

RECEIVED:
 Providence
 Received for Record
 JAN 13, 2023 02:39 PM
 Document Num: 2023338948
 Rodriguez, Greenfield
 Recorder of Deeds