

AUG 19 2022

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: Wat Thomikaram of Rhode Island, Inc. Address 177 Hanover Street
E-mail Watthormikaramofri@gmail.com Zip Code 02907
Phone (401) 274-4641 or 272-4641
Home/Office *Mobile (Cell)*

Owner: Same as above Address _____
E-mail _____ Zip Code _____
Phone _____
Home/Office *Mobile (Cell)*

Lessee: _____ Address _____
E-mail _____ Zip Code _____
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:** 178 Hanover Street; 177 & 181-183 Bellevue Avenue
Street Address
2. **Zoning District(s):** R-3
Special purpose or overlay district(s): _____
- 3a. **Date owner purchased the Property:** 4/22/2008
- 3b. **Month/year of lessee's occupancy:** N/A

3. Dimensions of each lot:

Lot # <u>592</u>	Frontage <u>80</u>	depth <u>101</u>	Total area <u>8112</u>	sq. ft.
Lot # <u>274</u>	Frontage <u>40</u>	depth <u>101</u>	Total area <u>4056</u>	sq. ft.
Lot # <u>275</u>	Frontage <u>40</u>	depth <u>101</u>	Total area <u>4055</u>	sq. ft.

4. Size of each structure located on the Property:

Principal Structure: Total gross square footage 3156 (Temple)
 Footprint _____ Height _____ Floors _____

Accessory Structure: Total gross square footage N/A
 Footprint _____ Height _____ Floors _____

5. Size of proposed structure(s): Total gross square footage: 3156 (Temple)
 Footprint _____ Height _____ Floors _____

6a. Existing Lot coverage: (include all buildings, decks, etc.) N/A

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

7a. Present Use of Property (each lot/structure):
592 - Temple; 274 - _____ SF Home; 275 - _____ SF Home

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards
592 - Temple; 274 - _____ SF Home; 275 - _____ SF Home

8. Proposed Use of Property (each lot/structure):
592 - Temple; 274 - _____ SF Home; 275 - _____ SF Home

9. Number of Current Parking Spaces: N/A

10. Describe the proposed construction or alterations (each lot/structure):
Construct fence, wall and gate, as shown on attached site plan.

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>1302I</u>	<u>Fences and Walls</u>
_____	_____
_____	_____
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

Applicant proposes to construct the fence, wall and gate in connection with the Buddhist temple.

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):

Wat Thormikaram of Rhode Island, Inc.

Wat Thormikaram of Rhode Island, Inc.

Type Name

Type Name

By: Stt. Patricia Sum

By: _____

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 height requirements for fences are set forth in Section 1302 I.2. The requirements pertaining to walls are in Section 1302 I.4b.
2. **Specify any and all unique characteristics of the land or structure that cause the hardship?** The fact that the fence/wall/gate is to serve the temple. The Religious Land Use and Institutional Persons Act requires a compelling governmental interest when the land use requirements imposes a substantial burden on the religious exercise of a person or institution. Here, the applicant desires to build a fence, wall and gate to frame the temple. A Buddhist temple consists not only of its building but also the surrounding environment. In Thailand, temples as "wat" from the "Pagi Vata" meaning "enclosure." A temple has an enclosing wall that divides it from the secular world.
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 _____ 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.**

The temple is a non-profit religious organization and the purpose of the installation of the fence/wall/gate is not to obtain greater financial gain.

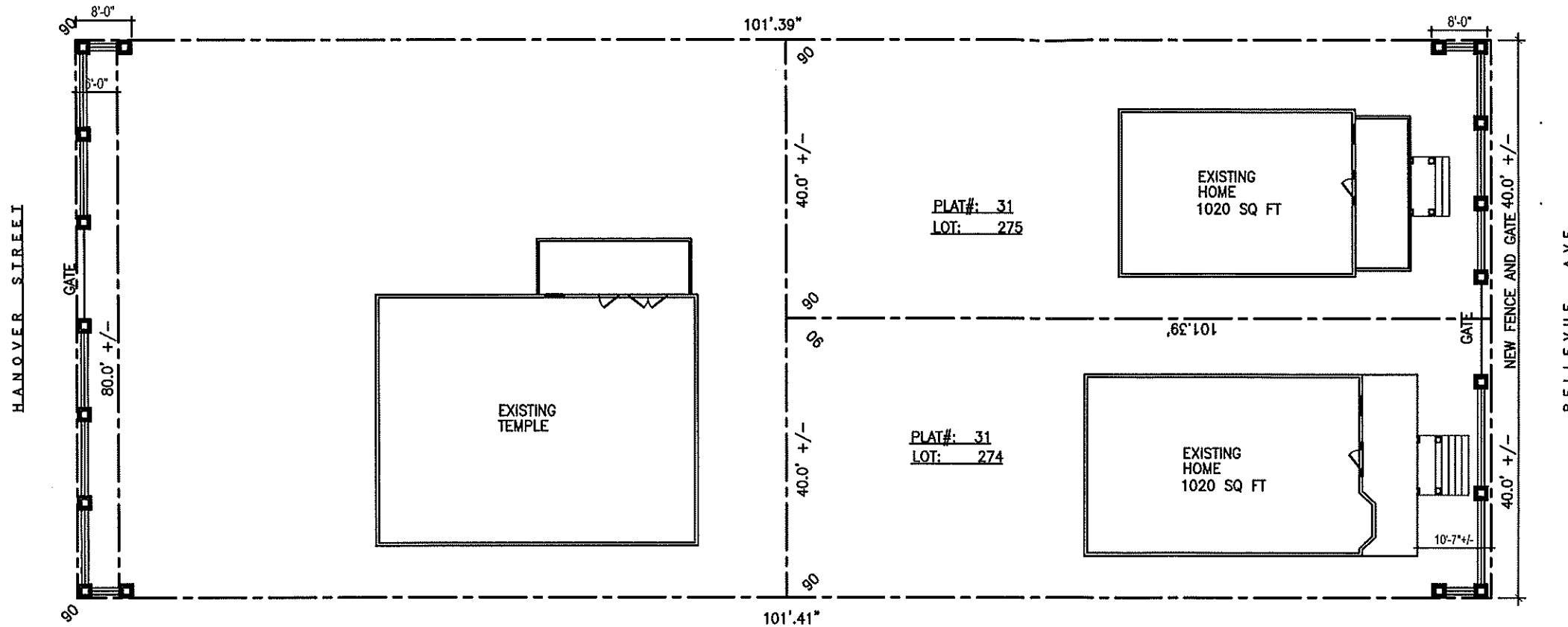
6. **State any and all facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan).**

The fence/wall/gate of this size and materials is necessary to support the mission of the Buddhist religion spiritually. In addition, the wall and fence provide a degree of security to the temple.

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.**

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 the variance is not granted, the applicant will suffer more than a mere inconvenience because the religious and spiritual interest of temple and its members will be substantially burdened, without a compelling governmental interest. In the traditions of the Buddhist religion, the temple and the buildings associated with the temple are surrounded by a wall. This area is dedicated to Buddha as it divides the spiritual within from the secular on the outside.



HANOVER STREET

BELLEVUE AVE

OWNER:

CAMBODIA KHMER TEMPLE
178 HANOVER STREET
PROVIDENCE, RI 02888

PROPERTY ADDRESS

181/183 BELLEVUE AVE
177 BELLEVUE AVE

REQUIRED SETBACKS

FRONT YARD: 25'
SIDE YARD: 8'
REAR YARD: 20'

ZONE: A-7

SITE PLAN

SCALE: 1:20



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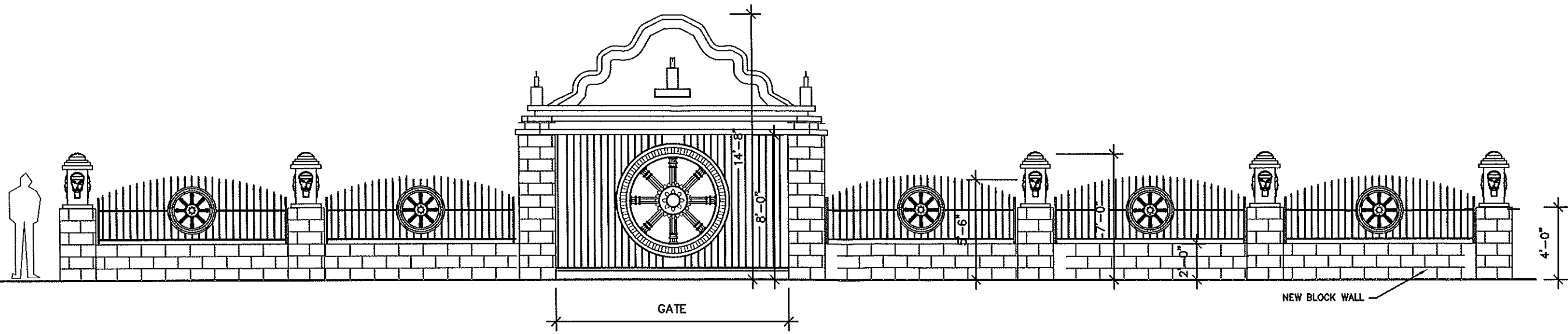
FENCE AND GATE DESIGN
CAMBODIA KHMER TEMPLE
178 HANOVER STREET
Providence, R I 02888

REVISIONS

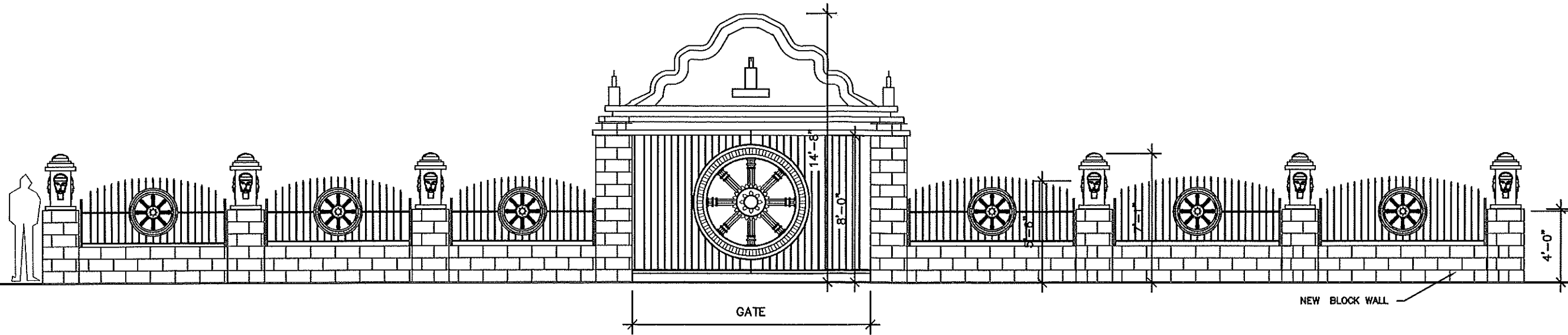
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S-1



1 FRONT ELEVATION—HANOVER STREET ENTRANCE
 A-2 SCALE 3/16"=1'-0"



1 REAR ELEVATION— BELLEVUE AVE ENTRANCE
 A-2 SCALE 3/16"=1'-0"

MANOUKIAN
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 178 HANOVER STREET
 Providence, R I 02888

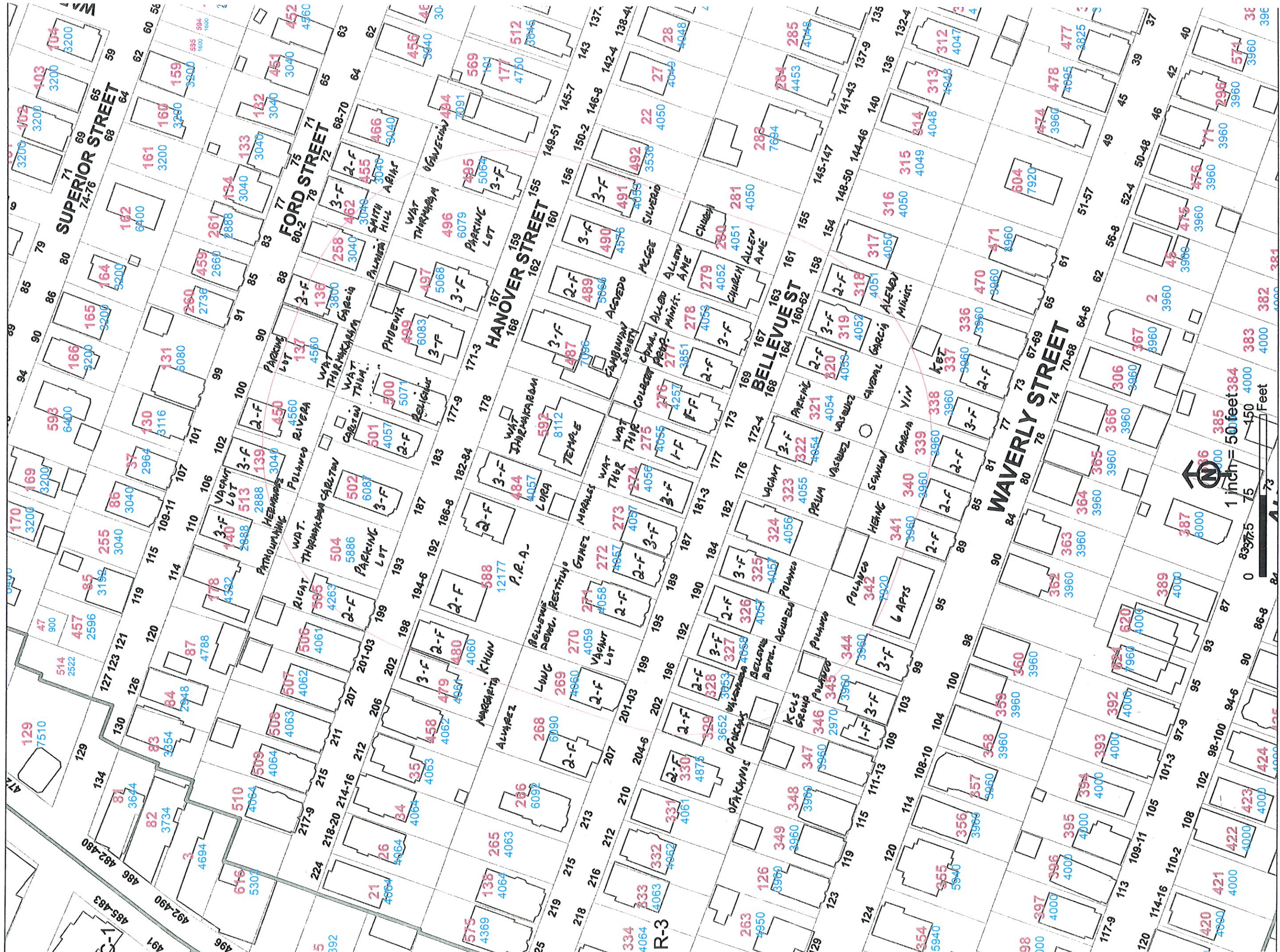
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S-2

200 FT. RADIUS MAP
178 HANOVER ST.
PROVIDENCE, RI 02907
PLAT 31 LOTS 592, 274, 275



ALL LOTS WITHIN RADIUS ZONED R-3

MAP DEVELOPED BY:
MICHAEL C. McHUGH
34 CHAPIN AVENUE
PROVIDENCE, RI 02909
401-965-6155



WELCOME TO SATSUMA TEMPLE
177 1/2 HANOVER STREET

PEOPLE
LEFT TO LEARN
DO NOT BLOCK THE DRIVEWAY

