

One Family Dwelling **\$175.00** Two Family Dwelling **\$345.00** Three Family Dwelling
\$430.00

Multi-family Dwelling
For first four units **\$520.00** For each additional unit over four \$ **80.00**

All other uses **\$870.00**

Where there are mixed use codes, the higher fee shall govern.

In no case shall the sum of the advertisement fee and the processing fee exceed two thousand six hundred (\$2,600.00) dollars.

MAKE CHECK PAYABLE TO: PROVIDENCE CITY COLLECTOR.

INSPECTION & STANDARDS
RECEIVED

JUN 12 2023

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**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: ___ Samuel Salganik & Elnaz Firoz ___ Address ___ 18 James Street, Providence, Rhode
Island ___ Zip Code ___ 02903 ___
E-mail ___ samuel.salganik@gmail.com; e.firoz@gmail.com ___
Phone ___ 646-884-0435; 973-879-7833 _____

Home/Office Mobile (Cell)

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

Lessee: N/A 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: 18 James Street, Providence, Rhode Island, 02903 (Plat 16 - Lot 113)

Street Address

2. Zoning District(s): R-2 Residential

Special purpose or overlay district(s): College Hill Historic Overlay

3a. Date owner purchased the Property: June 5, 2015

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

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3. Dimensions of each lot:

Lot # 16/113 Frontage 59' depth 110' Total area 6,344 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:

Principal Structure: Total gross square footage 3,369sq.ft. Footprint 1,448sq.ft. Height 39'-6" Floors 2.5

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

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

6a. Existing Lot coverage: (include all buildings, decks, etc.) 23% without rear

deck _____ **6b. Proposed Lot coverage: (include new construction)**

_____ No Change _____

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

___ Single_family_residence _____

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

___ Single_family_residence _____

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

___ Single_family_residence _____

9. Number of Current Parking Spaces: 2 (Tandem) _____

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

___ No change to property. Replacement of existing HVAC exterior condensers. _____

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:

_____ 1302.L.1.b. Mechanical equipment is permitted only in the interior side, corner side, or rear yard and shall be located a minimum of three feet from any lot line.

13. Explain the changes proposed for the Property.

No change to property. Replacement of existing HVAC exterior condensers. Condensers are to remain in their current location, but will be of a shallower footprint and mounted on a 4 legged quicksling pedestal and on a PVC pad. The condensers and pedestal and slimmer profile will reduce the current non-conformity and encroachment of the existing condensers.

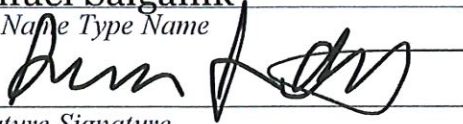
The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application.

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):

Samuel Salganik


Type Name Type Name



Signature Signature

Elnaz F Firoz

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?

Thank you for your time in reading and considering this application. We have lived in our current residence for the past eight years. The HVAC units in question were installed somewhere around 1996, so have been a part of the house for almost 30 years. We are in need of an upgrade to our HVAC system because the units from 1996 have broken several times over the past few years for which we have sought repairs, and unfortunately most recently caused water damage inside our home. We are seeking relief to keep the location of the existing condensers as we replace the existing interior HVAC units (and exterior condensers). We hope to use the existing exterior condenser location for this replacement given our property size/shape constraints. The east side of our property houses our tandem, narrow outdoor driveway. The south side of our home houses our backyard, as well as two doors to our basement, several exhaust vents (washer, drier, kitchen exhaust fan, basement bathroom exhaust), and low-ceiling deck. The north side of our property is the sidewalk and street (no front yard). There are several obstacles in the way on the east and south sides of our property; the current HVAC condensers are on the west side of our property, in almost the same location we hope to locate the replacements. Trying to relocate the HVAC condensers to any side other than the west side would cause significant hardship given how our property is situated; no other location seems viable. That leaves the west side of our lot, where there is unfortunately very limited space between our home and the property line. The area where they are currently located is at the high side of a retaining wall in which the property line runs through the center of the masonry retaining wall. The new exterior ground mounted condensers will leave less than three feet of setback from the property line.

Please see enclosed a letter of support from our neighbor to the west, and also a letter from our HVAC contractor confirming that no other location is viable for the condensers.

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

The historic property was one of the early lots in Providence and because of this the lot is very tight. It is located on a hill with sloping topography that is a challenge for utilizing the space and has retaining walls. The current west side yard does not meet the sideyard setback distance between the property line and the house required by the zoning ordinance, that was enacted after the construction of the house, and therefore does not leave the required setback to any mechanical equipment. The house is located along the sidewalk edge along the front/northside of the house. The east sideyard of the house is dedicated to the required off street parking of 2 spaces (parked in tandem) with little additional room.

The existing condenser location (on the west side of our property) is the only viable location for the replacement condensers given our property size/shape constraints. The east side of our property houses our tandem, narrow outdoor driveway. The south side of our home houses our backyard, as

well as two doors to our basement, a patio, several exhaust vents (washer, drier, kitchen exhaust fan, basement bathroom exhaust), and low-ceiling deck. The north side of our property is the sidewalk and street (no front yard). These unique characteristics of our land and structure mean that there is only one viable location for the condensers, and it happens to be impossible to give three feet of setback from the property line to the exterior condensers in that location. The HVAC contractor has reviewed the property for alternative locations and have determined that along the south side of the house is not feasible due to the pre-existing conditions described above. Please see attached letter from Santoto Oil.

The house is a historic house designed by the noted early American architect John Holden Green. The current location of the condensers is screened by the neighbor's fence from the street and has little visual impact on the historic integrity of the house.

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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 ___

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.

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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.

This HVAC replacement is for home maintenance only and does not affect the market value of the property. The proposed placement of the new condensers is also not intended to save money. There is simply no other viable location.

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).

We are seeking the least relief necessary to maintain air conditioning in the home by replacing our existing HVAC units, which is a necessity given their poor reliability and function after almost 30 years. They have broken several times in the past few years requiring maintenance and unfortunately

causing water damage inside our home due to several leaks.

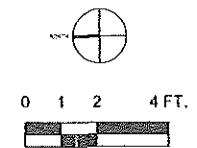
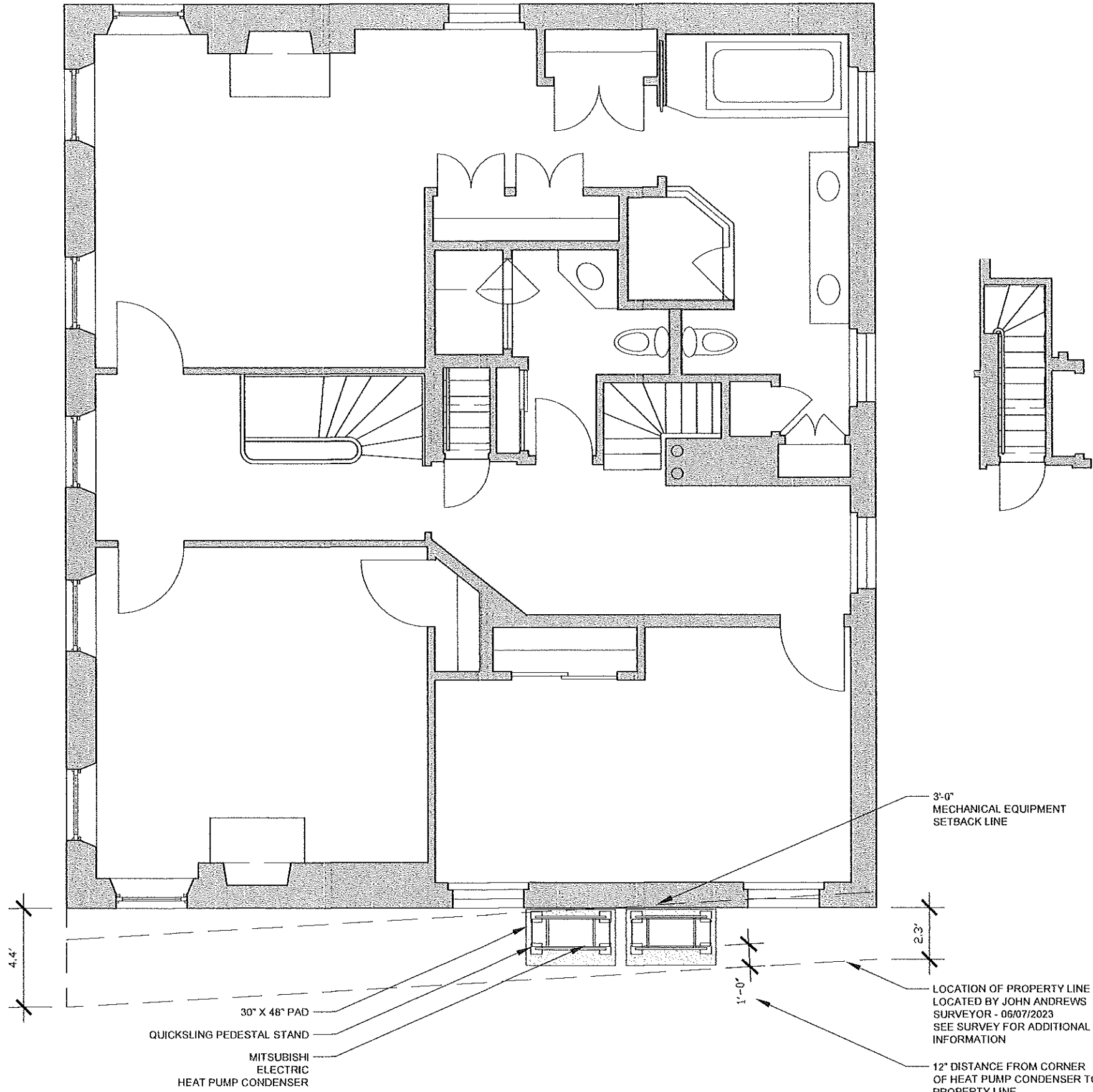
We have taken design steps to utilize the slimmest possible replacement condensers, to minimize the relief required. The new units are 16" in depth and need 6" of space from the western wall of our home. The units will rest on a quick-sling pedestal stand 26" wide. That compares favorably with the current units.

Moreover, this variance does not alter the general character of the surrounding area or impair the intent of Providence's zoning rules (which we 100% understand and respect). The HVAC condensers are set many feet away from the street and are not visible from the street unless our neighbor's driveway gate is ajar. Their location, when chosen 30 years ago, makes the most "sense" so to speak given the property shape and size, and other constraints as discussed above.

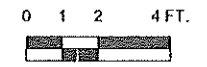
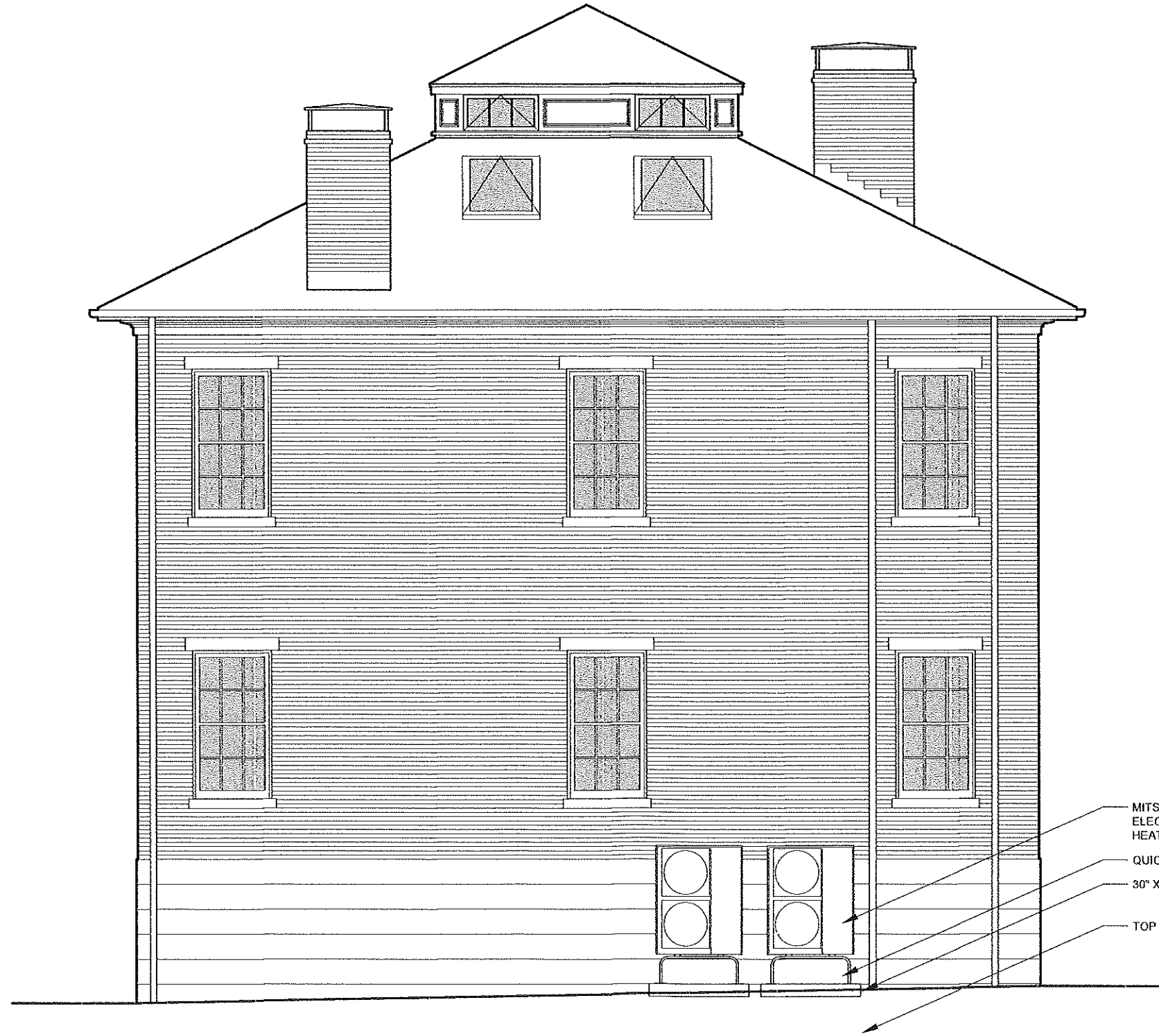
7. If you are seeking a USE VARIANCE, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district.

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.

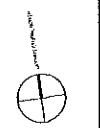
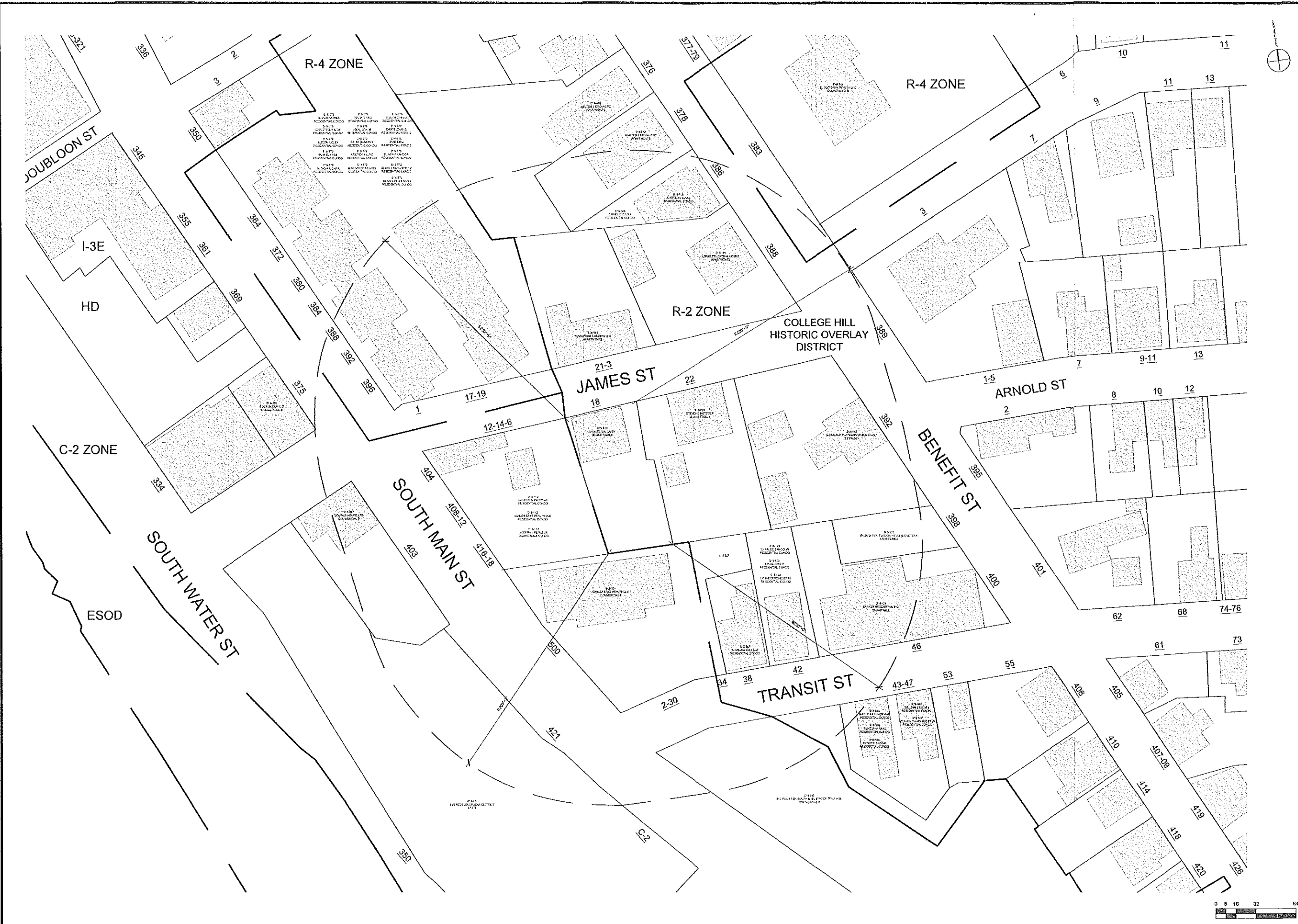
Unfortunately, we really do not see another location on our property to locate the HVAC condensers. The east side of our property houses our tandem, narrow outdoor driveway. The south side of our home houses our backyard, as well as two doors to our basement, a brick patio, several exhaust vents (washer, drier, kitchen exhaust fan, basement bathroom exhaust), and low-ceiling deck. The north side of our property is the sidewalk and street (no front yard), and it is a historic home in the historic district. That leaves the small strip of land on the west side of our house as the only viable option. If we were not to be granted the dimensional variance, then we would not be able to maintain and replace the HVAC system, and therefore would not be able to air condition our home. (Without changing out the current system, we would likely leave the existing bulkier units in place.) The historic home has fixed-in-place historically appropriate storm windows that make the historic operable windows unable to operate when in place. Air conditioning is the method of cooling the house allowing the historic windows to remain in place.



ARCHITECT: JACK RYAN ARCHITECT, LLC 400 WASHINGTON STREET, UNIT 2NB PROVIDENCE, RI 02903 401 749 1797 WWW.JACKRYANARCHITECT.COM	PROJECT: SALGANIK AND FIROZ RESIDENCE 18 JAMES STREET PROVIDENCE, RHODE ISLAND 02903	ISSUE: HVAC CONDENSER PLAN	DWG. NO.: 1
			DWN BY: RYAN
			CKD BY: RYAN
			DATE: 06-08-2023
			SCALE: 3/16" = 1'-0"



ARCHITECT: JACK RYAN ARCHITECT, LLC 400 WASHINGTON STREET, UNIT 2NB PROVIDENCE, RI 02903 401.749.1797 WWW.JACKRYANARCHITECT.COM	PROJECT: SALGANIK AND FIROZ RESIDENCE 18 JAMES STREET PROVIDENCE, RHODE ISLAND 02903	ISSUE: WEST ELEVATION HVAC CONDENSER LAYOUT	DWN BY: RYAN	DWG. NO.: 2
			CKD BY: RYAN	DATE: 06-08-2023



SCALE
1/32" = 1'-0"

200' RADIUS PLAN

ISSUE:	DWN BY: RYAN / DOYLE	CRD BY: RYAN	DATE: 08-08-2023	SCALE: 1/32" = 1'-0"
	DWG. NO.: 1.0			
DRAWING: 200' RADIUS PLAN				
PROJECT: SALGANIK / FIROZ RESIDENCE 18 JAMES STREET PROVIDENCE, RHODE ISLAND 02903				
ARCHITECT: JACK RYAN ARCHITECT, LLC 400 WASHINGTON STREET SUITE 2NB PROVIDENCE, RI 02903 401.748.1797 WWW.JACKRYANARCHITECT.COM				











