

MAR 08 2022

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought:

<input checked="" type="checkbox"/>
<input 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: 180 GMC LLC

Address 213 Goddard Rd. Newport, RI 02840

Zip Code 02903

E-mail dconley@wjclaw.com

Phone 401-632-0598

Home/Office

401-323-7873

Mobile (Cell)

Owner: 75 East, LLC

Address 123 Dyer St. 2B

Zip Code 02903

E-mail dconley@wjclaw.com

Phone 401-632-0598

Home/Office

401-323-7873

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: 180 George M. Cohan
Street Address

R - 2

2. Zoning District(s): _____
Special purpose or overlay district(s): n/a - Zoning History - See Zoning Certificate

3a. Date owner purchased the Property: See attached Deed

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

3. Dimensions of each lot:

Lot #	<u>650</u>	Frontage	<u>180</u>	depth	<u>185</u>	Total area	<u>27,272</u>	sq. ft.
Lot #	<u> </u>	Frontage	<u> </u>	depth	<u> </u>	Total area	<u> </u>	sq. ft.
Lot #	<u> </u>	Frontage	<u> </u>	depth	<u> </u>	Total area	<u> </u>	sq. ft.

4. Size of each structure located on the Property:

Principal Structure:	Total gross square footage	<u>49,373 SF</u>
Footprint <u>12,764 sf</u>	Height <u>**75</u>	Floors <u>6w/attic&basem</u>
Accessory Structure:	Total gross square footage	<u>n/a</u>
Footprint <u>n/a</u>	Height <u>n/a</u>	Floors <u>n/a</u>

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

6a. Existing Lot coverage: (include all buildings, decks, etc.) 84%

6b. Proposed Lot coverage: (include new construction) 78%

7a. Present Use of Property (each lot/structure):
Educational Boarding/Multi-family Housing

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

8. Proposed Use of Property (each lot/structure):
Multi-family Housing

9. Number of Current Parking Spaces: 12

10. Describe the proposed construction or alterations (each lot/structure):
Federal historic tax credit reuse of existing structure. Minimal changes to layout and structure. Update and improve building while carefully maintaining historic integrity to the greatest extent possible

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>Table 14-1</u>	<u>26 Parking Spaces Proposed- requesting relief of 45 required spaces</u>
<u>Table 12-1</u>	<u>For Multi-family use with 71 units proposed</u>

13. Explain the changes proposed for the Property.

Federal Historic Tax Credit interior renovation that preserves existing layout and structure to the greatest extent reasonably possible. Renovate existing residential spaces, convert otherwise unusable spaces into residential units. Improvement to ingress/egress as necessary. Installation of garden level windows/doors in NE. Improvements to parking configuration, retaining walls, hardscape, landscaping

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):

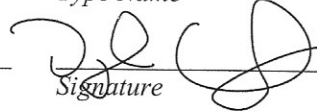
75 East LLC, w/ permission 180 GMC LLC

180 GMC LLC

Type Name

Type Name

/s/ JB



Signature

Signature

Josh Bird w/ permission

Dylan Conley



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.

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Owner(s):

Applicant(s):

75 East St, LLC

Type Name

180 GMC LLC

Type Name

Signature



Signature

Type Name

Joshua Bird, General Counsel

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?**

Please see attached memorandum of law for all responses to Appendix A

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

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.

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).

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.

**USE VARIANCE APPLICATION, APPENDIX A
180 GEORGE M. COHAN BOULEVARD**

The below are written responses to the questions set forth in Appendix A of the City of Providence’s Use Variance Application. The applicant reserves the right to supplement its evidence regarding the standards set forth in R.I. Gen. Laws §45-24-41.

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

The property in question is a historic building approximately 50,000sqft in size with historic uses that maintained a structure of small room spaces, such as a nursing facility and a boarding facility. A review of the R-2 zone permitted uses shows that 50,000sqft worth of small rooms in a historic building is not conducive to any of the uses permitted. To deny use as a Dwelling – Multifamily, which is the only use that can currently utilize 50,000sqft worth of small rooms, would be equivalent to an inverse condemnation or regulatory taking that would result in the property being valueless.

Table 12-1: Use Matrix		
Use	R-2	Use Standard
Community Center	P	
Community Residence – Type I	P	Sec. 1200.E & 1202.G
Conservation Area	P	
Cultural Facility	P	
Day Care - Day Care Center, up to 8 people receiving day care	P	Sec. 1202.I
Day Care - Family Day Care Home	P	Sec. 1200.E & 1202.I
Dwelling – Accessory Dwelling Unit	P	Sec. 1200.E
Dwelling - Semi-Detached	P	Sec. 1202.L
Dwelling - Single-Family	P	Sec. 1202.L
Dwelling - Two-Family	P	Sec. 1202.L
Educational Facility - Primary or Secondary	P	Sec. 1202.M
Farmers Market	P	Sec. 1203.A
Park/Playground	P	
Place of Worship	P	
Plant Agriculture	P	Sec. 1200.E & 1202.W
Temporary Contractor’s Office	P	Sec. 1203.B
Temporary Emergency Housing	P	

Temporary Mobile and Manufactured Homes	P	Sec. 1200.E
Temporary Outdoor Entertainment	P	Sec. 1203.D
Temporary Outdoor Storage Container	P	Sec. 1203.F
<i>Community Residence – Type II</i>	<i>S</i>	<i>1202.G</i>
<i>Country Club</i>	<i>S</i>	
<i>Day Care - Day Care Center, 9 to 12 people receiving day care</i>	<i>S</i>	<i>Sec. 1202.I</i>
<i>Golf Course/Driving Range</i>	<i>S</i>	
<i>Lodge/Meeting Hall</i>	<i>S</i>	<i>Sec. 1202.R</i>
<i>Neighborhood Commercial Establishment</i>	<i>S</i>	<i>Sec. 1202.T</i>
<i>Public Safety Facility</i>	<i>S</i>	
<i>Utility</i>	<i>S</i>	
<i>Wireless Telecommunications</i>	<i>S</i>	<i>Sec. 1202.DD</i>

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

- The structure is a historic building divided into a myriad of small rooms
 - Alternative uses, such as that as an Educational Facility, would require reworking the interior in a manner that would lose the historic quality of its spaces and incur costs that would exceed any ability for such a use to recoup the expenditure
 - Such reworking of the interior jeopardizes any eligibility for Federal Historic Tax Credits without which the building would not have any beneficial use
- The land is a corner lot at all four outermost corners with a third party's residence wedged into the northerly center of the lot. Furthermore, the lot is not generally level with the surrounding public rights of way.
 - This is an exceedingly odd and uncommon layout which further restricts the use of the property to maintaining the current structure
 - The topography of the existing site conditions and the location of the building in the odd U-shaped 4-corner lot render any substantial site reconfiguration impossible
 - Specifically, the structure is built with a proximity to the outermost lot lines that, excluding a legally required and legally undersized parking area, there is no space for any expansion of the structure.
- The building itself cannot be torn down without irrevocable damage done to the City of Providence
 - The building itself is a unique triumph of architecture that defines Fox Point's skyline from Narragansett Bay up the Providence River
 - The structure is one of if not the most identifiable properties for all persons making use of I-195 within the City of Providence

- The Structure is located at the gateway to India Point Park and is a landmark for access to the City's waterfront, especially from the Historic East Side
- For these same reasons, the building envelope must be maintained to the fullest extent reasonably possible
- The current dimensions of the building envelop far exceed a myriad of dimensional standards applicable to an R-2 zone.
 - The lot of 27,000 square feet would render a maximum of five (5) 2-Family properties. Therefore, tearing down the property relative to the approved use of the structure in its current configuration would impose a net loss of approximately fifty (50) housing units in the midst of a housing crisis.
- The proposed use may require the applicant to make alterations to the building to conform with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

3. (a) Is the hardship caused by an Economic Disability? No.

The owner/applicant itself does not have an economic disability.

(Of note, although not directly responsive to this query, is that the building is not an economically viable structure without the relief requested. Federal Historic Tax Credits require minimal changes to structures. Those Tax Credits make the renovation and reuse of the building feasible. This shall be addressed in detail hereunder.)

(b) Is the hardship caused by a physical disability? Yes.

(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

Specifically, the intent is to make accessibility improvements both at pertinent ingress/egress locations as well as in other locations throughout the building as may be necessary in accordance with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq as each may apply to the relevant structure and renovations.

The hardship related to physical disability is limited to the extent that required accessibility improvements identified within this section necessitate any changes to the existing structures.

- 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)?**

No.

- 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 hardship does not result primarily from the desire of the applicant to realize greater financial gain because:

- The variance being sought is to use the existing 50,000 SF building for multi-family use given its size and existing configuration.
 - There is an absence of beneficial use for the building to serve as a two-family home, which would be the maximum density allowed within the R-2 zone. Further, given the fact that the property is currently configured to function primarily as a dormitory with ancillary support spaces, the building cannot be used as a community center, place of worship, cultural facility, or daycare.
- The unit count is controlled by the current physical structure of the building and driven entirely by the way the building is currently configured. The building has no beneficial use without this requested relief as the historic structure of the former nursing facility is not conducive to interior alterations and such alterations irreparably harm the historic quality, character, and features of the building.
- The critical distinction here is that the relief is not for “greater” financial gain, but for the only economically viable use for the building.
 - As shown above, there are no alternative use in an R-2 zone that are economically viable for the present building. The only use of the building that makes any sense is dwelling – multifamily, given the unique character of the subject lot, the size of the existing historic building and the structure of the historic interior layout which establishes the existing small interior spaces.

- 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 applicant is seeking the least relief necessary, which is to use the existing building as a dwelling - multifamily. Under the Providence Zoning Code, the only lesser available use variance would be for a dwelling - three-family, which is also remarkably inappropriate given the size of the structure.
- The unit count is controlled by the way the historic building is structured. The units have almost entirely been derived from the existing wall configurations and rooms as is necessary in a Historic Tax Credit proposal. This is not by choice, as economic viability for the renovation and reuse of a structure of this age and state requires application for

Federal Historic Tax Credits, which impose requirements for maintaining historic layouts, details, corridors, etc. that significantly hamper any potential reconfiguration.

- o In other words, if the current structure's small rooms and large corridors are not maintained, the loss of eligibility for Historic Tax Credits eliminates the viability of the structure in its entirety.

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.

Table 12-1: Use Matrix	
R-2 Use	Inapplicable to Building Because
Community Center	The size of the building and myriad of small rooms are not conducive to community gathering space
Community Residence – Type I	The size of the building and myriad of small rooms are not conducive to a use limited to six (6) or fewer persons
Conservation Area	There is no open space on the property
Cultural Facility	The lack of parking, size of the building and myriad of small rooms, are not conducive to a museum style use that is open to the general public
Day Care - Day Care Center, up to 8 people receiving day care	The size of the building and myriad of small rooms are not conducive to a use limited to eight (8) or fewer persons
Day Care - Family Day Care Home	The size of the building and myriad of small rooms are not conducive to a use limited to six (6) or fewer persons
Dwelling – Accessory Dwelling Unit	There is no accessory structure on site
Dwelling - Semi-Detached	The size of the building cannot viably be split into just two (2) units.
Dwelling - Single-Family	The size of the building cannot viably be used as a single housing unit
Dwelling - Two-Family	The size of the building cannot viably be split into just two (2) units.
Educational Facility - Primary or Secondary	The lack of parking, size of the building, and particularly the myriad of small rooms is not conducive to a modern school facility which requires classrooms large enough for large numbers of persons and large amenity spaces such as gyms, cafeteria, auditorium, theater, workshops, labs etc.
Farmers Market	The structure does not have a viable loading or means of disbursement for temporary produce sales
Park/Playground	There is not open space and the structure itself is not a viable playground

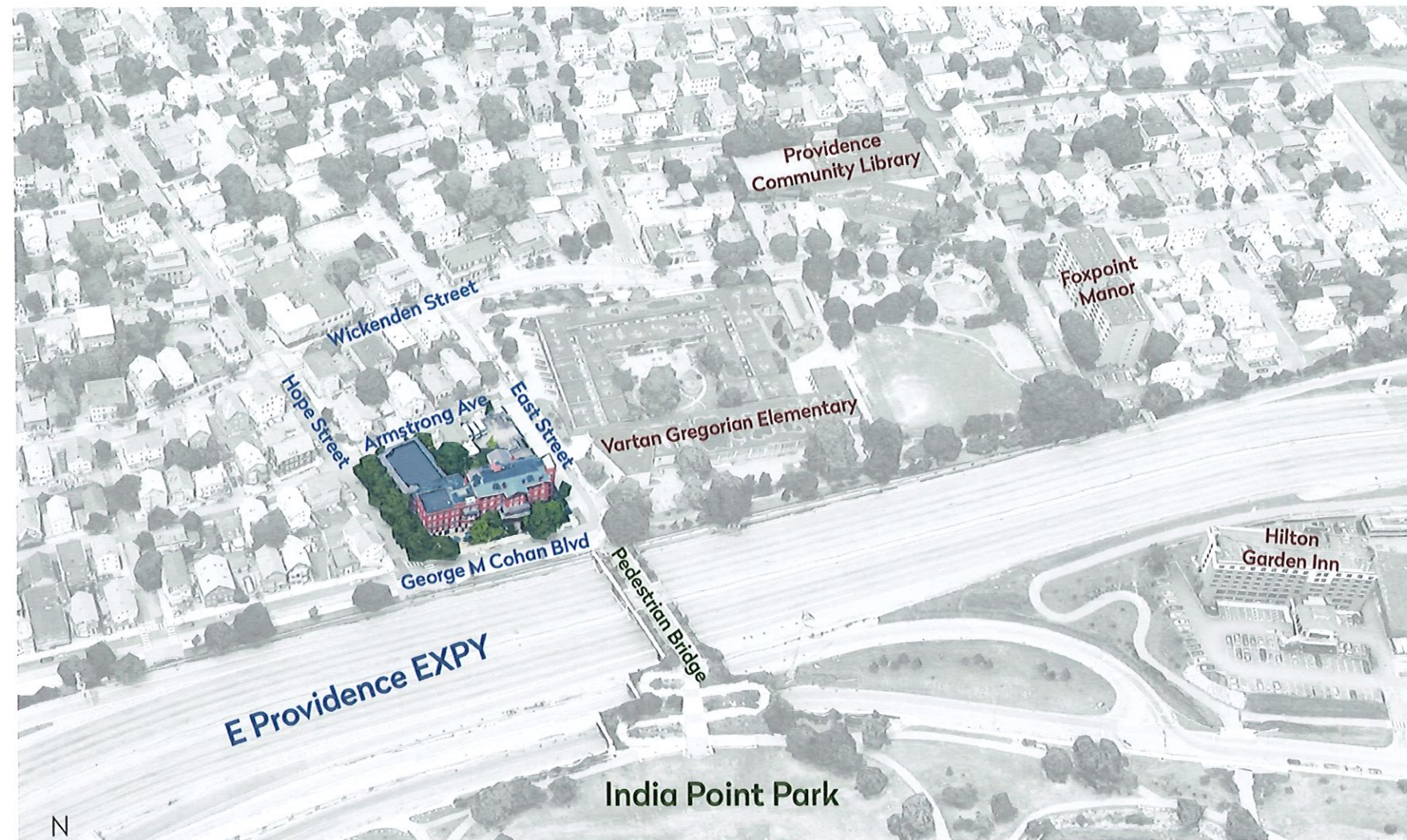
Place of Worship	The size of the building and myriad of small rooms are not conducive to a use that requires regular, large-scale, temporary assembly
Plant Agriculture	The building cannot viably support plant agriculture
Temporary Contractor's Office	The building is not temporary, no temporary use is viable.
Temporary Emergency Housing	The building is not temporary, no temporary use is viable.
Temporary Mobile and Manufactured Homes	The building is not temporary, no temporary use is viable.
Temporary Outdoor Entertainment	The building is not temporary, no temporary use is viable.
Temporary Outdoor Storage Container	The building is not temporary, no temporary use is viable.
<i>Community Residence – Type II</i>	The size of the building and myriad of small rooms are not conducive to a use limited to eight (8) or fewer persons
<i>Country Club</i>	The structure, the lack of parking, and the myriad of small rooms is not conducive to a use that relies upon routine gatherings at scale for social purposes
<i>Day Care - Day Care Center, 9 to 12 people receiving day care</i>	The size of the building and myriad of small rooms are not conducive to a use limited to twelve (12) or fewer persons
<i>Golf Course/Driving Range</i>	There is no space to support this use at the property.
<i>Lodge/Meeting Hall</i>	The structure, the lack of parking, and the myriad of small rooms is not conducive to a use that relies upon routine gatherings at scale for social purposes
<i>Neighborhood Commercial Establishment</i>	This use requires a primary residential use, which in this case would be a maximum of two residential units plus a commercial space. The size of the building and myriad of small rooms are not conducive to a use limited to three (3) units.
<i>Public Safety Facility</i>	The size of the building, structure and building envelop and grounds, and myriad of small rooms are not conducive to a use limited to public safety agencies, such as the fire department and police departments, including the dispatch, storage, and maintenance of police and fire vehicles or kennels for canine units.
<i>Utility</i>	The building is not conducive for use solely as a utility.
<i>Wireless Telecommunications</i>	The building is not conducive for use solely as a utility.

8. (Not applicable- not seeking a dimensional variance)



PROVIDENCE
ARCHITECTURE Co.

RESIDENCES AT INDIA POINT



LOCUS MAP [N.T.S.]

Project Description:

The proposed project at 180 George M Cohan Blvd intends to re-use and revitalize the existing historic structure in a manner that minimizes disturbance to its existing layout and structure to the greatest extent reasonable possible.

The existing 50,000 square foot structure has served many purposes over the last century, ranging from a nursing home to most recently an off campus dormitory with ancillary support spaces such as classrooms and meeting rooms. Given the existing structure and layout of the building, the intent of the project is to reuse the building for multi-family housing. The proposal is designed to maintain the layout of each level of the building by preserving the primary walls that define main corridors, stair halls, elevators, and the demising partitions between the existing units.

No changes are proposed to the existing building footprint. The proposal also includes minimal exterior improvements. Retaining walls, patios, doors and windows are proposed at the basement level of the building, all of which are not visible from the street. Additional minor improvements to the exterior are limited to the addition of light wells to serve existing and proposed basement windows, landscaping, and hardscaping, and in-kind repair and replacement of deteriorated architectural elements as needed.

PROPOSED SITE CHANGES

+ REGRADE & RECONFIGURE PARKING LOT

+ EXISTING PARKING LOT ACCOMMODATES 12 CARS

+ CONSTRUCT RETAINING WALLS TO ACCOMMODATE WINDOW WELLS & THE ADDITION OF NEW WINDOWS

+ PROPOSED PARKING ACCOMMODATES 26 CARS

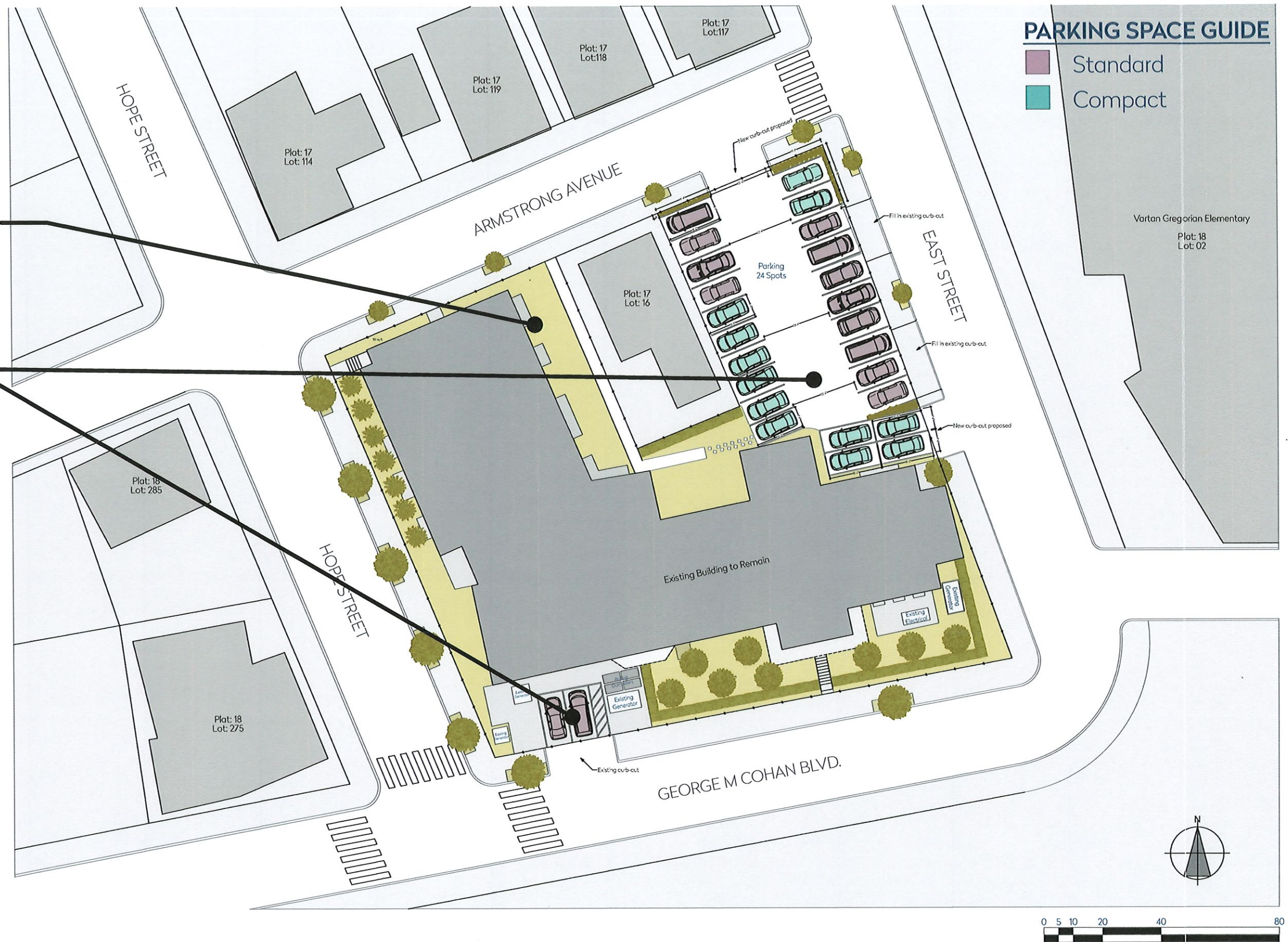
+ COMPLETE REDESIGN OF LANDSCAPING & HARDSCAPING THROUGHOUT THE SITE

+ PROPOSED REAR HARDSCAPE TO BE CONSTRUCTED WITH PERVIOUS MATERIAL

+ NO CHANGE TO EXISTING BUILDING FOOTPRINT PROPOSED

+ EXISTING LOT COVERAGE +/- 84%

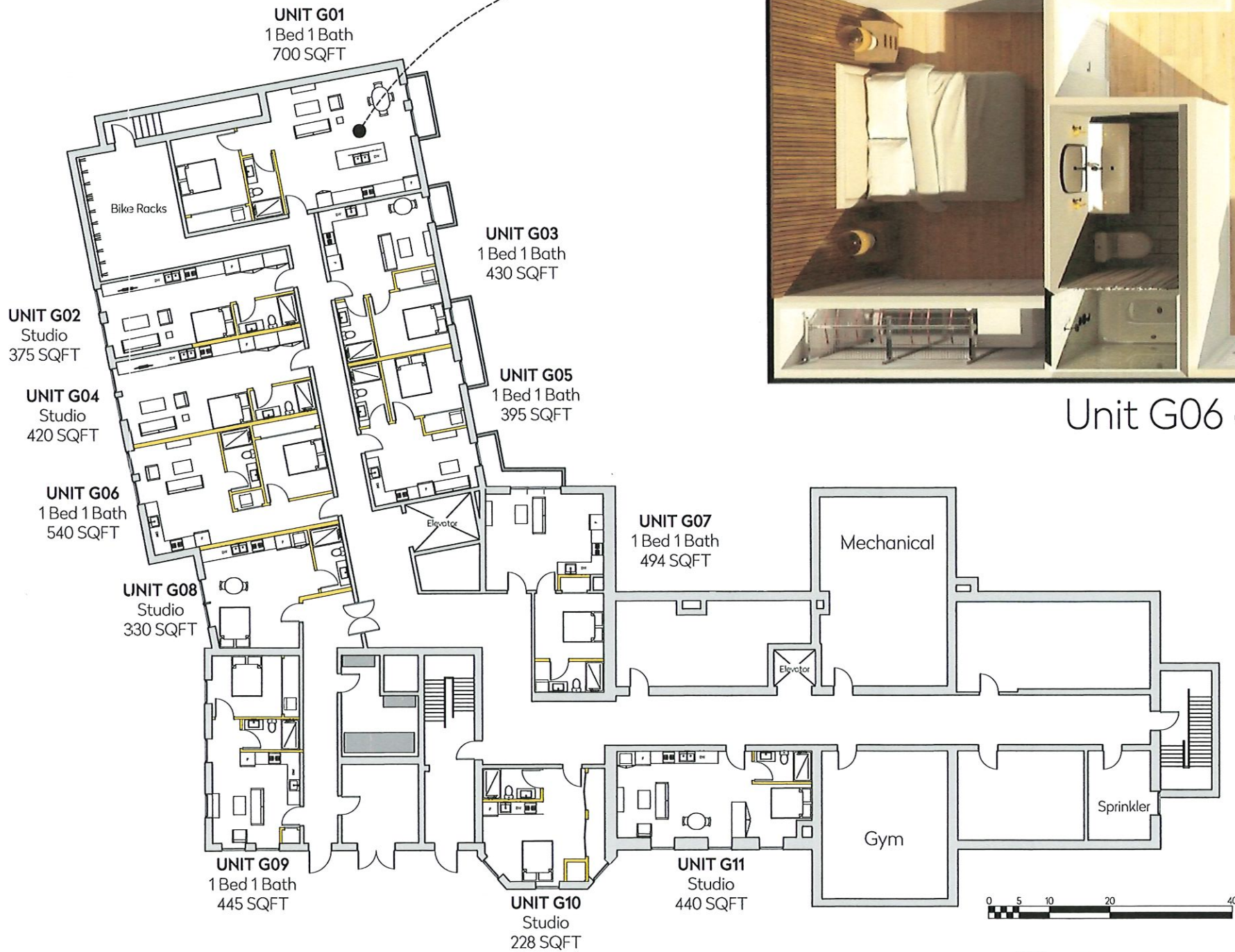
+ PROPOSED LOT COVERAGE +/- 78%



PROVIDENCE ARCHITECTURE Co.

RESIDENCES AT INDIA POINT

SITE PLAN

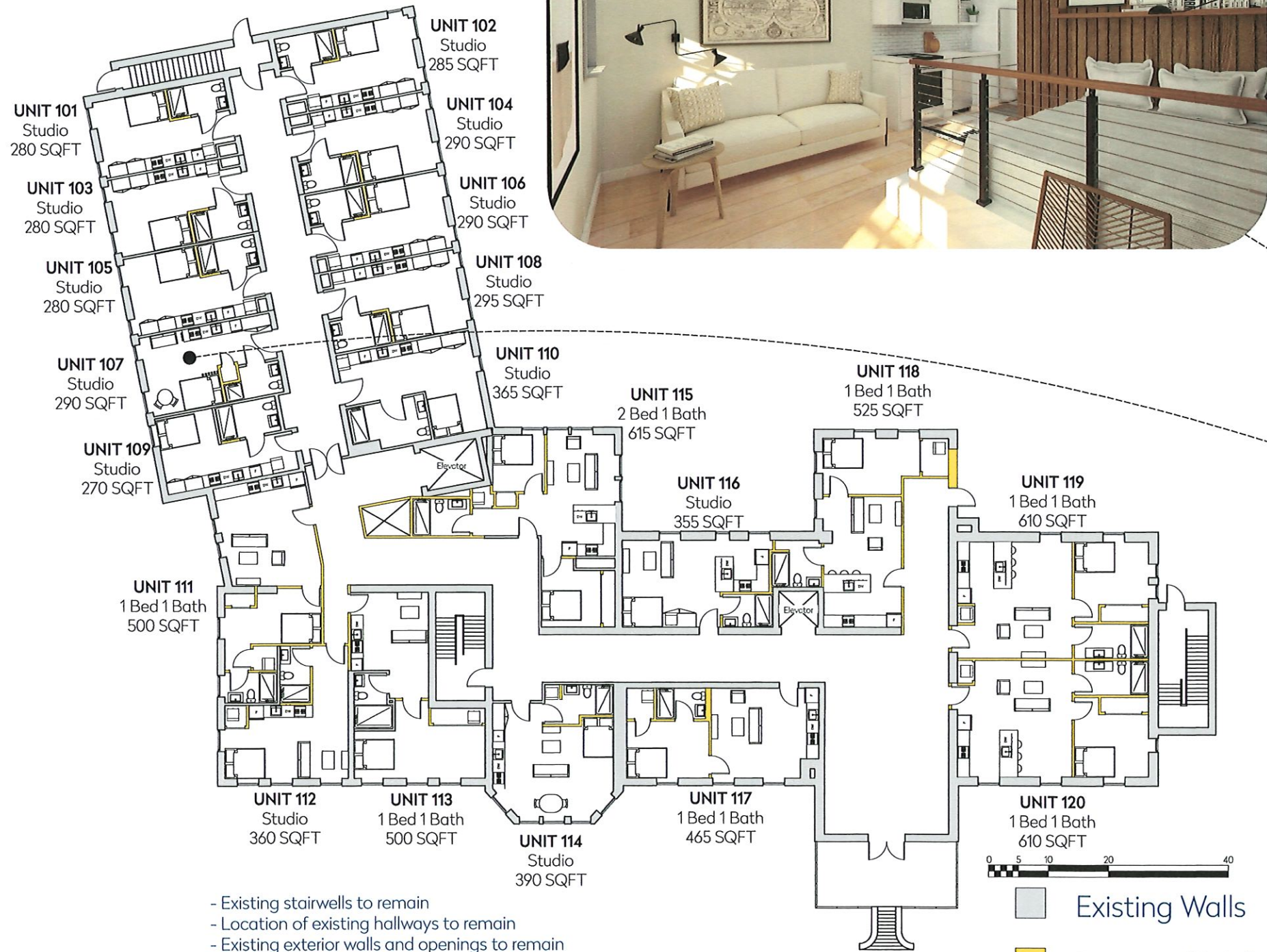


- Existing stairwells to remain
- Location of existing hallways to remain
- Existing exterior walls and openings to remain
- Existing historic entryway to remain at the South side of the building

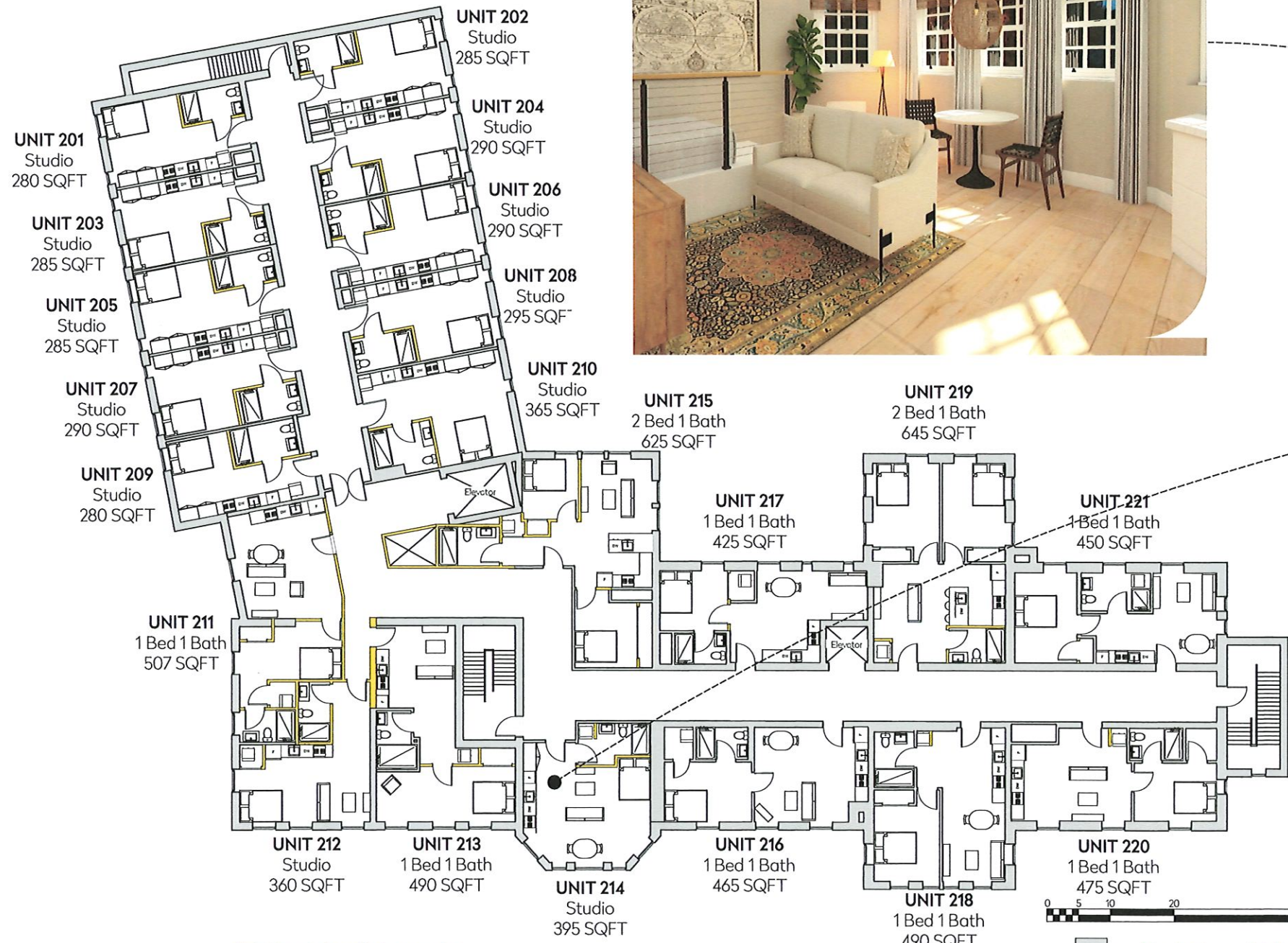
- Existing Walls
- Proposed Walls



Unit G06 - 1 Bed 1 Bath - 700 SQFT



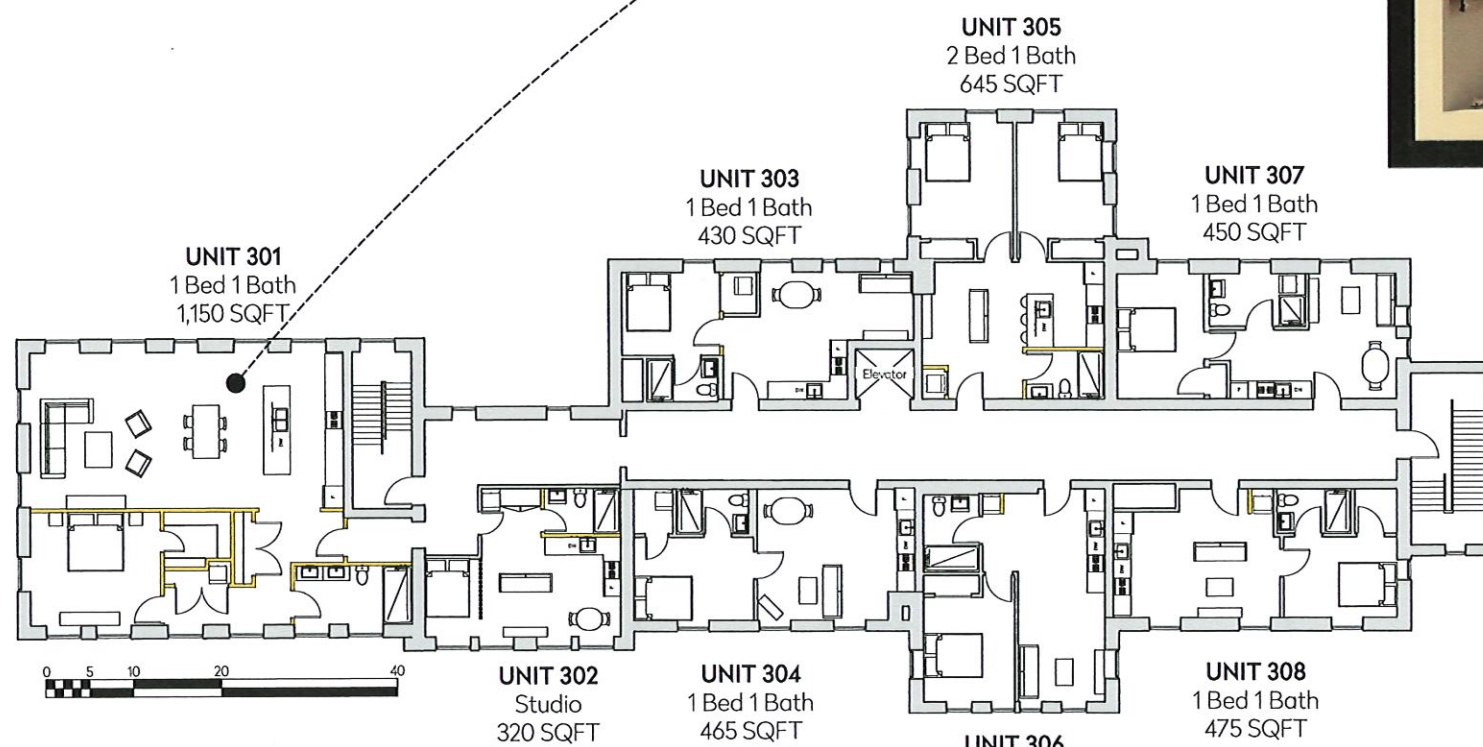
Unit 107 - Studio - 280 SQFT



- Existing stairwells to remain
- Location of existing hallways to remain
- Existing exterior walls and openings to remain
- Existing historic entryway to remain at the South side of the building

- Existing Walls
- Proposed Walls

Unit 214 - Studio - 395 SQFT



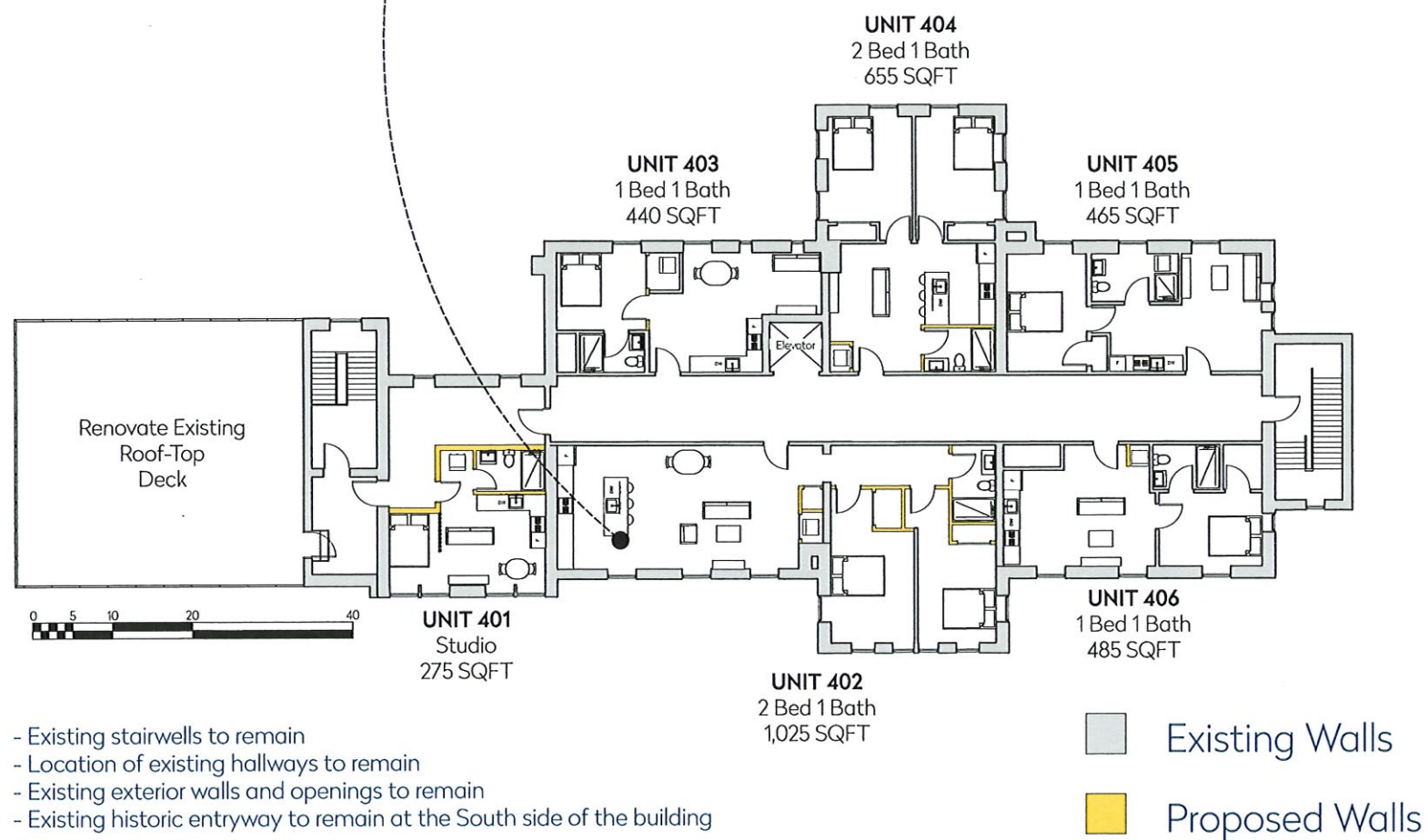
Unit 301 - 1 Bed 1 Bath - 1,150 SQFT

- Existing stairwells to remain
- Location of existing hallways to remain
- Existing exterior walls and openings to remain
- Existing historic entryway to remain at the South side of the building

- Existing Walls
- Proposed Walls

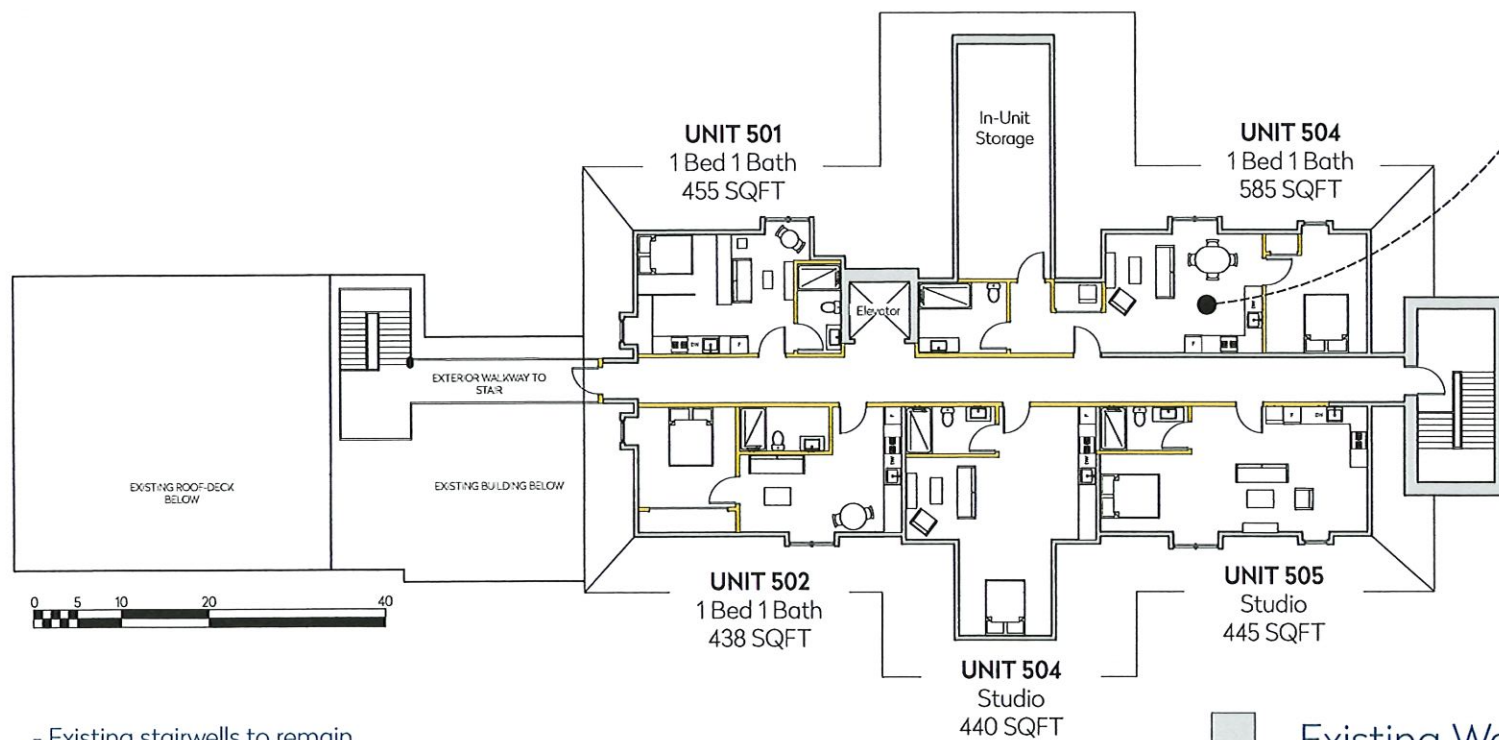


Unit 402 - 2 Bed 1 Bath - 1,025 SQFT





Unit 503 - 1 Bed 1 Bath - 870 SQFT



- Existing stairwells to remain
- Location of existing hallways to remain
- Existing exterior walls and openings to remain
- Existing historic entryway to remain at the South side of the building

- Existing Walls
- Proposed Walls



North West Corner



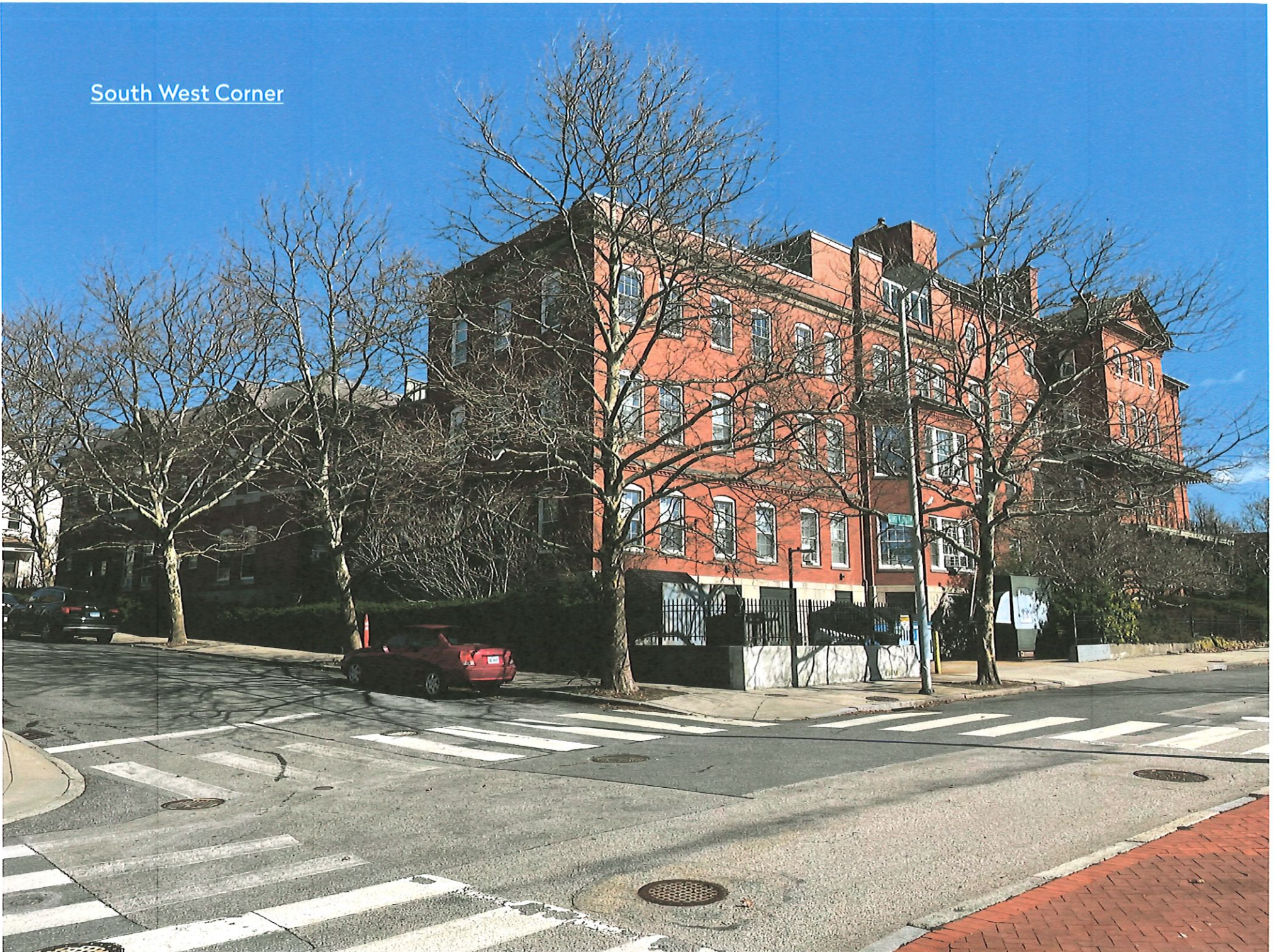
North East Corner

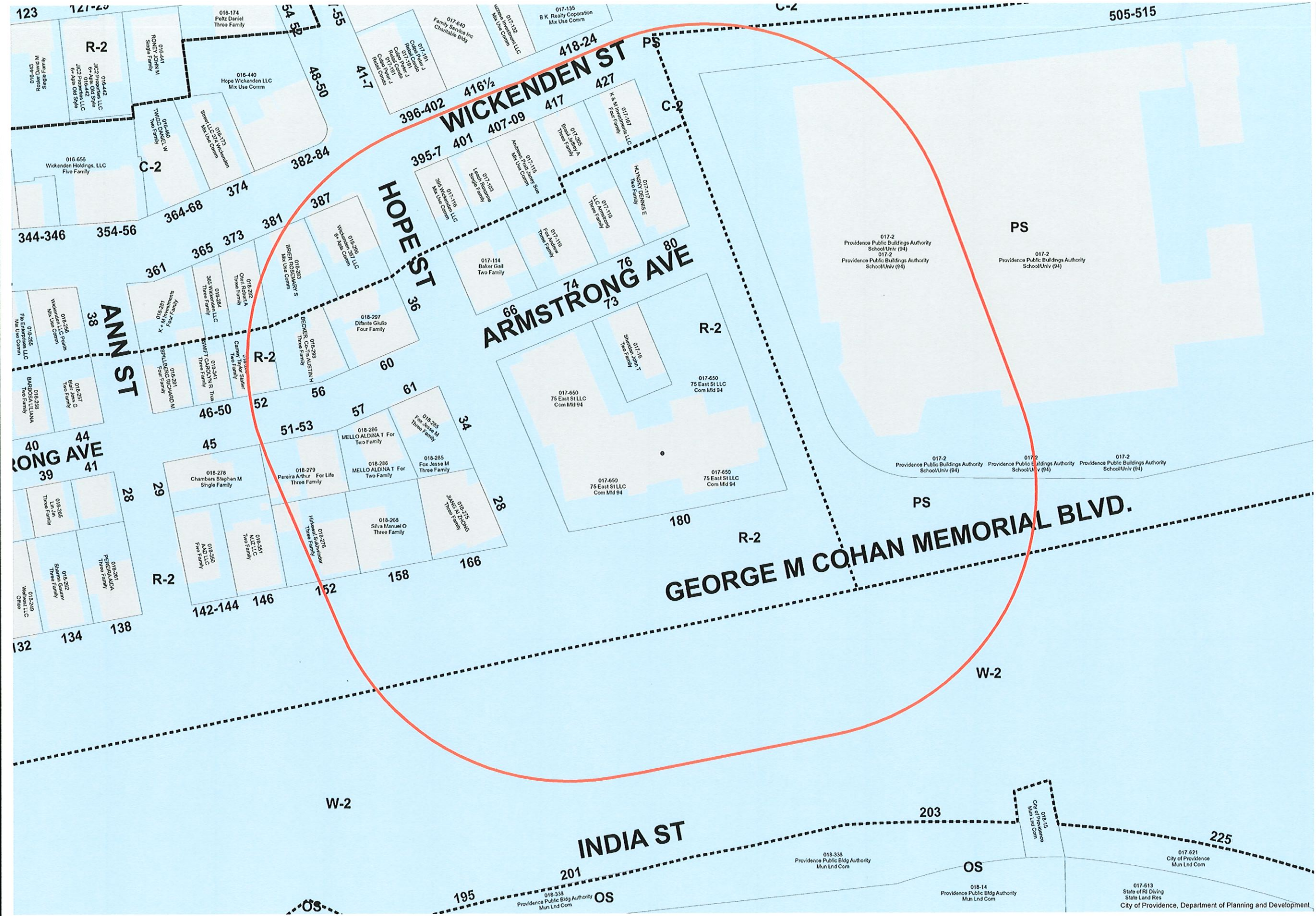


South East Corner



South West Corner

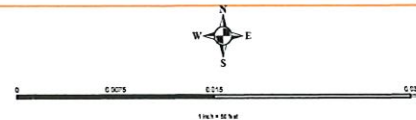
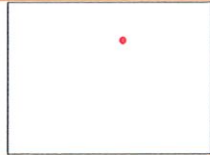




The information depicted on this map is for planning purposes only and is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis.

Produced by the Providence Planning and Development GIS Lab
 444 Westminster Street, Providence, RI 02903

Data Source:
 Providence Geographic Information System
 Date: 3/5/2022



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