

Joseph V. Cavanagh, Jr.
William R. Landry
Edmund L. Alves, Jr.
Scott T. Spear
Mary Cavanagh Dunn
Joseph V. Cavanagh, III
Robert J. Cavanagh, Jr.
Matthew J. Landry

Commerce Center
30 Exchange Terrace
Providence, RI 02903-1765
Tel (401) 831-8900
Fax (401) 751-7542
www.blishcavlaw.com

John H. Blish
(1986-2007)

April 4th, 2022

By Hand Delivery

Zoning Board of Review
City of Providence
J. Dorley Municipal Building
444 Westminster Street
Providence, RI 02903-3215

INSPECTION & STANDARDS
RECEIVED

APR 05 2022

**RE: Susan Leahy – 185-187 Howell Street, Providence, RI
Supplemental Materials**

Dear Sir/Madam:

In connection with the above, please find supplementary materials, including the expert report of James A. Houle of James A. Houle & Associates and three letters of support.

Thank you for your assistance in this matter.

Sincerely,


Matthew J. Landry, Esq.

Enclosures

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

REPORT RELATING TO THE PETITON

**For a dimensional variance
as it relates to the property at**

**185-187 Howell Street
Providence, Rhode Island 02906**

PREPARED FOR

**Matthew J. Landry, Esq.
Blish & Cavanaugh, LLP
Commerce Center
30 Exchange Terrace
Providence, RI 02903**

PREPARED BY

**James A. Houle
Rhode Island Certified General Appraiser
License #CGA.0A00769
198 Union Street,
Portsmouth, Rhode Island 02871
(401) 662-1543**

**Report Date
3/24/2022**

**INSPECTION & STANDARDS
RECEIVED**

APR 05 2022

JAMES A. HOULE & ASSOCIATES

198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

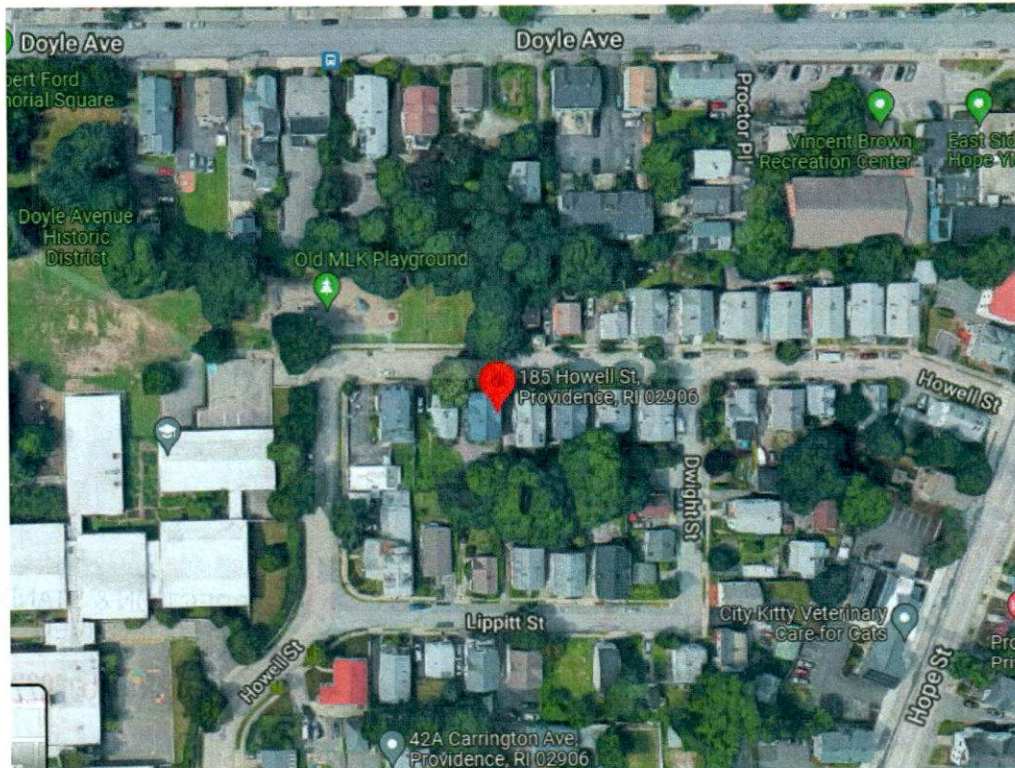
Matthew J. Landry, Esq.
Blish & Cavanaugh, LLP
Commerce Center
30 Exchange Terrace
Providence, RI 02903

24 March 2022

Dear Mr. Landry:

Pursuant to your request, I have reviewed the petition of Susie Leahy, of 187 Howell St., Providence, RI 02906 for a dimensional variance for her property located at that address. The property is a three-story, two-family residence. Ms. Leahy is seeking to add a third unit to the existing third-floor space to turn the structure into a three-family dwelling. The proposed change will not involve any alteration to the current structure. The home is located in an R-3 zone, which permits three-family dwellings by right. However, three-family homes in the R-3 zoning district must have a minimum lot size of 5,000 square feet. The subject lot is approximately 4,000 square feet. Thus, the proposed addition of a third unit requires an approximately 1,000 square foot dimensional variance.

The property is also identified as tax assessor's plat 9, lot 23.



Subject Neighborhood

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)



Subject property



Parking area in rear

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)



Street view, subject on right



Neighborhood view
Note multi family complex

JAMES A. HOULE & ASSOCIATES

198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

After my review of the plan, physical inspection of the subject and the surrounding neighborhood, and research in the town data base, I have formed the opinion that the petition meets all standards for the requested dimensional variance. The existing structure and proposed addition represent a reasonable, legal use of the subject lot. The surrounding neighborhood is residential. The use is, therefore, compatible with the rest of the neighborhood.

I have reviewed all standards for dimensional variance. Below is my analysis.

Dimensional variance

The City of Providence Zoning Ordinance, §1902(3), provides that:

In granting a variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

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 Rhode Island General Laws §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 this Ordinance or the Comprehensive Plan.
4. That the relief to be granted is the least relief necessary.

In addition, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, requires that evidence be entered into the record of the proceedings showing that:

- a. ...
- b. In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

Each standard is analyzed in relation to the subject application below.

- 1. The hardship from which the applicants suffer is due to the unique characteristics of the land, building or structure and not the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant.**

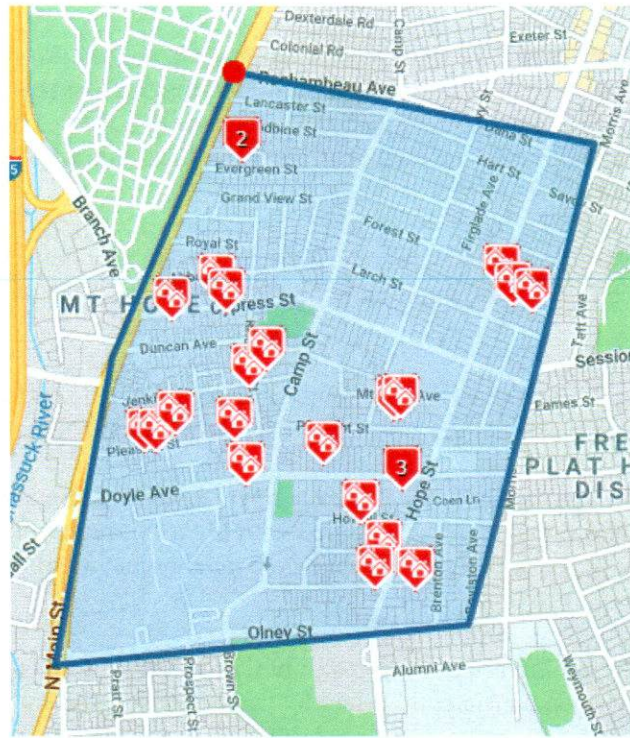
The applicant's hardship is due to the property's lot size. The property's existing use, as a two-family home, is allowed by right in the zoning district. The proposed use, as a three-family home, is also allowed by right in the zoning district. The immediate neighborhood contains numerous other two- and three-family homes. The house already has adequate parking for a third unit. The third floor was previously used as a boarding house. The hardship is the result of the 4,000 square foot lot size, where the zoning ordinance requires 5,000 square foot lots for three-family homes.

- 2. The hardship is not the result of any prior action of the appellants and does not result primarily from the desire of the applicant to realize greater financial gain.**

The hardship that the applicant faces is not the result of any prior action on her part or the desire to realize greater financial gain. In fact, the conversion of the property from a two- to a three-family home may result in a diminution of the property's value. The purpose of the conversion is to create family living space, not to generate income.

Recent property sales in the vicinity of the subject property include quite a few two- and three-family homes. Below is sales data for two- and three-family homes in the area. The two-family homes are listed in the first table and the three-family homes in the second.

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)



Status: Sold (6)

	Beds	Baths	Sq Ft Total	List Price	Sold Price	Ratio LPSF	Abv Gr	Ratio SPSF	Abv Gr	SP/LP	SP/Orig LP	ASMT/SQFT	ASMT/SP	DOM
Min	4	2	3,540	\$359,000	\$460,000		\$71		\$91	100%	100%		53%	5
Max	8	3	5,068	\$1,289,000	\$1,330,000		\$364		\$376	128%	128%		72%	14
Avg	5	3	4,433	\$684,234	\$735,667		\$165		\$176	110%	110%		61%	9
Median	5	3	4,625	\$602,000	\$652,500		\$134		\$142	108%	108%		60%	8
Sum				\$4,105,401	\$4,414,000									

[Back](#) [Print/Email PDF](#)

Criteria: Property Type is '2-4 Units (MPM)'
 Status is 'Sold (SS)'
 Status Srch Date is 01/16/2022 to 01/16/2021
 Latitude, Longitude is around 41.84, -71.40
 State Or Province is 'Rhode Island'
 Unit Count is 2

Status: Sold (18)

	Beds	Baths	Sq Ft Total	List Price	Sold Price	Ratio LPSF	Abv Gr	Ratio SPSF	Abv Gr	SP/LP	SP/Orig LP	ASMT/SQFT	ASMT/SP	DOM
Min	5	3	2,899	\$190,000	\$194,000		\$34		\$34	92%	88%		37%	96
Max	9	7	7,861	\$1,270,000	\$1,270,000		\$177		\$178	111%	111%		154%	30
Avg	7	3	5,149	\$626,150	\$633,023		\$124		\$126	102%	100%		63%	30
Median	6	3	5,231	\$624,450	\$612,000		\$126		\$127	101%	100%		55%	18
Sum				\$11,270,699	\$11,394,416									

[Back](#) [Print/Email PDF](#)

Criteria: Property Type is '2-4 Units (MPM)'
 Status is 'Sold (SS)'
 Status Srch Date is 01/16/2022 to 01/16/2021
 Latitude, Longitude is around 41.84, -71.40
 State Or Province is 'Rhode Island'
 Unit Count is 3

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

Comparing the respective sales data, we find that in the immediate area surrounding the subject, the two family houses sell at higher prices, both in terms of gross sales price, but also by selling price per square foot of living area than the three family houses. The median selling price for a two family is \$652,000 and the median price for a three unit is \$612,000, even though the three family houses are larger.

The reason for this is the varying appeal within the market. Two family houses work within the market as an alternative for a single family purchase, whereas the three unit buildings tend to be investor purchases.

Many two family houses will have a larger unit, roughly equivalent to a single family dwelling unit. However, that type of larger unit is not usually found in a three unit building.

In addition, three unit buildings generally have greater operational expense and more intensive management issues. This additional expense, coupled with higher turnover (increased vacancy rates), offsets any possible increase in rental revenue generated by having three units versus two units.

This difference between the selling prices of two unit buildings versus three unit buildings in the same neighborhood has been consistently found by this appraiser, particularly in locations similar to the subject's.

Therefore, we can say by our research that the change from a two unit building to a three unit building does not result in any gain- in fact, it may result in a loss.

3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan.

The proposal is seen to be in harmony with the area and consistent with the intent of the zoning code. The property is located in an R-3 zone. According to the Providence Zoning Ordinance:

The R-3 Residential District is intended for higher density residential areas of detached single-family, two-family, and three-family residential development, as well as rowhouse development. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed. (Providence Zoning Ordinance, 4-1.)

A three-family dwelling is a by-right use in this district, and is, in fact, one of the uses explicitly intended for this district.

The size and design of the building is in keeping with the character of the neighboring properties. Surrounding properties in the neighborhood are residential, with numerous other three-family homes.

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

Additionally, the proposal only involves converting existing living space in the house into a third unit. The proposal does not contemplate any changes to the square footage or exterior of the home. Its appearance will not change, and the addition of a third unit is in keeping with the other properties in the neighborhood.

4. That the relief to be granted is the least relief necessary.

Within all the parameters of the zoning code, the comprehensive plan and the needs for use, it is seen as minimal relief.

The proposed modifications involve simply converting the existing third floor into a livable space. The house's interior appearance will be updated, but the overall size and general character of the home will not be altered. This means there will be no increase in the building's height or lot coverage.

5. The hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Preventing the proposed use will be more than a mere inconvenience. The applicant's three children are co-owners of the property. During the time that the applicant has owned the property, the home has always been owner-occupied. All three of the applicant's children would like to reside separately in the home and help manage the property. Without converting the third floor into a separate unit, this would not be possible.

The proposed use is permitted by right in an R-3 zoned district and represents a very reasonable use of the property. Using the property as a three-family home is consistent with other property uses in the area.

Not only would conversion of this space to a third unit be consistent with the neighborhood, but would, in fact, be a much more efficient use of the property. The conversion would maximize the use of the property's existing available living space. This is, in effect, the highest and best use for the property.

Therefore, the petition properly and adequately answers any and all criteria related to the dimensional variance sought.

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

Thank you again for allowing me to have been of service.

Sincerely,

A handwritten signature in cursive script that reads "James A. Houle". The ink is dark and the signature is written in a fluid, connected style.

James A. Houle
RI Certified General Appraiser

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

JAMES HOULE & ASSOCIATES
198 Union Street
Portsmouth, Rhode Island 02871

Voice: 401- 662-1543

Email: houleappr@gmail.com

Web: www.houleappr.com

QUALIFICATIONS OF APPRAISER

JAMES A. HOULE

LICENSING:

Rhode Island Appraisal Certification: #CGA.0A00769

Massachusetts Appraisal Certification: #1000015

Rhode Island Real Estate Broker: # REB.0009805

BUSINESS EXPERIENCE:

James Houle & Associates, Portsmouth, RI Real Estate Appraisal, Consulting & Brokerage Services	1981- Present
Deputy Tax Assessor, City of Newport, RI Appraisal and Mass Assessment Services	1990- 1998
Gold Star Group, Middletown, RI Real Estate Education and Franchise Development	1988-1989
Atlantic Properties, Middletown, RI Principal Broker	1985-1988
L.H. Houle Realty, Stafford Springs, Conn. Consulting Broker	1975-1983
Better Homes Realty, Middletown, RI Principal Broker	1978-1981
Heritage Realty, Newport, RI Associate Broker	1975-1978
Kennan Associates, Cumberland, RI Associate Broker	1973-1975

PROFESSIONAL QUALIFICATIONS AND RELATED BOARDS:

ACTIVE:

Licensed Real Estate Broker, Rhode Island

Certified Real Estate Appraiser, Rhode Island

Certified Real Estate Appraiser, Massachusetts

Approved by State of Rhode Island, Office of Municipal Affairs, to perform city- wide mass appraisals and revaluations, as required by Rhode Island law

Board of Realtors, (Officer of Newport County Board, 1975)

JAMES A. HOULE & ASSOCIATES

198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

RELATED EDUCATION:

BA, Clark University, Worcester, Mass. 1973

Society of Real Estate Appraisers, course #101 Introduction to Appraisal
Society of Real Estate Appraisers, course #102 Small Income Property Appraisal
R.I. Tax Assessor's Administrative Course
Graduate Realtor Institute, Board of Realtors
Uniform Standards of Professional Practice, University of Rhode Island
Income Approach to Property Valuation, University of Rhode Island
Practical Application of Income Approach to Value, University of Rhode Island

Seminars:

Impact of Environmental Issues in Appraisals, RI Board of Realtors
Rhode Island Tax Law, NLI Institute
Performing an In House Revaluation, International Order of Assessing Officers
Lead Issues in Real Estate, RI Board of Realtors
Tax Issues in Real Estate, RI Board of Realtors
Appraiser as Expert Witness, RI Board of Realtors
Appraising FHA Today, McKissock
Report Writing, MBREA
Oddball Properties, McKissock
Environmental Issues for Appraisers, McKissock
The Cost Approach, McKissock
History of Zoning, Appraisal Institute
Appraisal of Fast Food Facilities, McKissock
Appraisal of Land Subject to Ground Leases, McKissock
Appraisal of Owner Occupied Commercial Facilities, McKissock

Seminars as Approved Instructor:

Real Estate Tax Assessment: How to Judge its Equity
Real Estate Financing: Conventional and Creative

APPRAISAL EXPERIENCE:

Active since 1976, performing appraisals of single and multi family housing and commercial/ industrial properties.
Experience in appraising impacted/ contaminated properties
Experience in appraising specialty/ partial interests
Experience in appraising water related utilities
Accepted as expert in Rhode Island Family Court
Accepted as expert in Rhode Island Superior Court
Accepted as expert in Rhode Island Bankruptcy Court
Accepted as expert before several Rhode Island community Boards of Tax Appeals
Accepted as expert before several Rhode Island Zoning Boards of Appeal

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

SIGNIFICANT CLIENTS

Ford Motor Company
NYNEX (Bell Atlantic)
National Grid
Stone Bridge Water District, Tiverton, RI
Church Community Housing Corporation, Newport, RI
City of New Shoreham, Rhode Island, Assessor's Office
City of Swampscott, Massachusetts, Assessor's Office
City of Newport, Rhode Island, Assessor's Office
City of Newport, Rhode Island Planning Office
City of Newport, Rhode Island, Public Utilities Department
Twin River Gaming Facility, Lincoln, RI
Appraisal Resource, East Greenwich, RI

June 14,2021

Zoning Board of Review
444 Westminster St.
Providence, RI 02903

Review Board:

This letter is on behalf of my neighbors, Susan Leahy and Michael White, and their property at 185-187 Howell St. in Providence.

I reside across the street at 190 Howell St. and have known this family for many years. I am in support of their zoning application. Susan and Michael have renovated and maintained this property as a residence for their 3 children. They are here at their property every week; the tenants that they rent to have been appropriate and responsible neighbors to our community.

I sincerely advocate for the Zoning Boards' approval of their application. Please feel free to contact me if you have need for further information.

Sincerely,

Lora Spalt
190 Howell St.
Providence, RI 02906
401-263-5672
lspalt@gmail.com

INSPECTION & STANDARDS
RECEIVED
APR 05 2022

187 Howell Street
Providence, RI 02906
July 1, 2021

Dear Zoning Board of Review,

I moved into 187 Howell Street, Providence, in mid-2015 when my family and I finished renovating the second floor. I had attended high school in Providence and in 2014, I was honored to be accepted to RISD. It seemed few Rhode Islanders were accepted there each year as incoming freshmen. Since dorm-living is very expensive, my parents discussed buying a house a short distance from the school to make my commute easier. They also thought this would be a smart decision if my younger siblings chose to go to college in Rhode Island.

As my siblings finish college in the coming year and I continue to work in the arts, we've continued to live here. This home has allowed us to grow in our careers and lives while still being somewhere that feels like home; it's a home that has grown with us - allowing us to have roommates who are family and friends, and allowing us to be in close proximity to our schools, work and what Providence has to offer.

We were shocked when the fire happened in January 2020. To see part of our home become so damaged with smoke and water, and to see our work destroyed, was very, very difficult. Until that time, we lived in the second floor apartment. The third floor was accessed through the back hallway and was a space that had not been updated since the 1930s or 40s. It retained some of its original wallpaper. In 2015, we added an electrical subpanel so that I could sometimes use the 1200 sq ft space as a work space for my practice as a sculptor. It was not a conducive space, however, having had a very narrow hall that led to six bedrooms. It seemed to have been a rooming house in the early 1900s.

When we began to rebuild after the fire in 2020, the building inspector told us that the third floor as a separate space (which it always had been) would pose a problem with permitting because it is not a legal apartment. We asked if we could renovate it as a separate space even just to use as a sculpture studio and were told that it would complicate permitting since the building was listed as a two family home. In order to expedite permitting and construction (during the year of COVID,) we decided the quickest thing to do would be to move the second floor apartment door in the back hallway to include the third floor doorway inside of the second floor apartment. That allowed us to redesign and rebuild without complicating zoning requirements. The renovation in 2020 resulted in beautiful, livable space but an unnecessarily large apartment - 2400 square feet, two bathrooms, one kitchen.

Since my siblings and I are adults, we would prefer to have close but separate living spaces, allowing for autonomy and independence while facilitating our engagement with our various communities and jobs in and around Providence. As we evolve in our lives, we would like the

INSPECTION & STANDARDS
RECEIVED

APR 05 2022

place we call home to evolve as well. For this reason, we request a zoning variance to permit our lot size to contain a three-family home.

Thank you for considering this request.

Sincerely,

Michael White II

June 20, 2021

Dear Zoning Board,

I would like to share with you my experience of living at 187 Howell Street, Providence, RI from 2020-2021. My parents bought the house in 2015 and I helped in any way I could to renovate it to a usable state that year. I remember doing some demolition, pulling down old wallpaper, ripping up old carpets and then the positive work of painting, installing wood trim and polyurethaning the floors. I remember what it looked like before and I think it came out great. My brother moved into the second floor apartment that year.

I have been attending College of the Atlantic in Bar Harbor, Maine since 2018; my major is Human Ecology. In 2020, I returned home to Rhode Island from a Spanish language-immersion program as soon as COVID-19 occurred. My school program went entirely online until Spring of 2021. In 2020, my family was engaged in rebuilding after a fire happened. It was so hard to have to re-do some of our work from 2015. During the second renovation, we were able to create more usable space on the third floor and make the whole house more energy efficient, safer and more attractive. I helped out as much as my school and work schedule allowed.

During the summer of 2020, I worked for the Rhode Island Department of Environmental Management (RI DEM,) researching mosquitos for EEE, West Nile Virus and other diseases. I worked for Dr. Alan Gettman. This summer, I am the Station Manager on Mount Desert Rock, 26 miles off the coast of Maine. I will graduate from College of the Atlantic in June 2022 and plan to return to Rhode Island.

In November 2020 until April 2021, I lived in our Howell Street home while having classes online. I loved living there and feel that that location will be key to quality of life for finding a good job and having a reasonable commute. I understand my brother and sister are also interested in living at our Howell Street house throughout our future years and it would serve all of us very well to have separate living quarters as we embark on our coming journeys.

Thank you very much for considering our family's request to separate the third floor from the second.

Sincerely,

Jasper White

INSPECTION & STANDARDS
RECEIVED

APR 05 2022