

Jorge O. Elorza  
Mayor

Marc Greenfield  
Chair



## Zoning Board of Review

### RESOLUTION NO. 2021-18

June 14, 2021

IN RE: Application for Dimensional Variance  
(Lot Area per Dwelling Unit)

PROPERTY: Tax Assessor's Plat 14, Lot 531  
381 Angell Street

OWNER/  
APPLICANT: Borna Properties/Ozren T. Buntak  
381 Angell Street  
Providence, RI 02906

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

On May 12, 2021, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing<sup>1</sup> on the request by the Owner and Applicant (the "Applicant") for a dimensional variance for 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. Strother. Mr. Scott and Mr. Mitchell sat as non-voting alternates.

---

<sup>1</sup> The May 12, 2021 public meeting and hearing was conducted via the online platform "Zoom;" it was a virtual public hearing authorized by the Governor's Executive Order 20-05 dated March 16, 2020, as extended.

WHEREAS, the Applicant sought relief from Article 4, Table 4-1 of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance"), to convert an existing structure from 3 dwelling units and a dentists' office to 4 dwelling units on a lot with 5,725 sq. ft., where 6,600 sq. ft. are required; 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 and the testimony of Mr. Ramzi Loqa, PE; and Mr. Ozren T. Buntak, Applicant; and

WHEREAS, there were no written or oral objections to the application; and

WHEREAS, the Board received, and the Chair read into the record, the May 12, 2021 recommendation of the Department of Planning and Development ("DPD") recommending the granting of the dimensional variance.

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

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

1. The Property is located in an R-P Residential Professional Zoning District and consists of a lot of 5,725 sq. ft. is improved with a 3-story structure used as a Dentist Office on the first floor and three dwelling units on the upper floors. The current use was granted by a use variance. See ZBR Resolution No. 4523 (July 24, 1980).
2. The Applicant seeks to change the Dental Office to a residential unit. Because the legal use is a use is by variance, the dentist office cannot be changed to a dwelling unit without meeting the dimensional standards of the Ordinance.
3. Table 4-1 of the Ordinance requires 1,650 sq. feet of lot area per dwelling unit in the R-P district. Accordingly, the proposed use of the Property requires 6,600 sq. ft., whereas the Property contains only 5,725 sq. ft. The Applicant requests relief for 875 sq. ft. of lot area in order to change the use.
3. The Board finds that the relief sought is due to the unique characteristics of the subject Property because the structure is large and was originally constructed as a residential building. In addition, the lot area accommodates the 4 parking spaces required by the Ordinance for a 4-family dwelling unit.
4. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicants.

5. The Board finds that the hardship is not the result of any prior action of the Applicant, who purchased the Property in its current state.
6. The relief is not sought primarily from the desire of the Applicant to realize greater financial gain, but rather to convert the Property back to its original use, after the Applicant tried without success to find a tenant for the dentist office space.
7. The Board agrees with, and incorporates, the findings and the recommendation of the DPD and likewise finds that granting the requested dimensional variances will not alter the general character of the surrounding area or impair the intent or purpose of the Ordinance or the Comprehensive Plan.
9. The substantial evidence demonstrates that the relief sought is the least relief necessary to relieve the hardship, based on the unique characteristics of the property, and the reasons set forth in paragraph 10 below.
10. The Board concludes that the hardship suffered by the Applicants of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience because the Applicant otherwise would have to maintain a vacant space, or make significant and costly interior alterations to combine the first floor space with an existing dwelling unit.

WHEREFORE, upon motion by Mr. Wolf, seconded by Ms. Maniotes, the Board voted unanimously (5-0) to APPROVE the application for a dimensional variance from the lot area per dwelling unit requirements of the Ordinance.

By Order of the Zoning Board of Review.



---

MARC GREENFIELD  
CHAIR

**NOTICE TO OWNERS/APPLICANTS:**

- A** SECTION 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: Maniotes

MEMBERS VOTING IN FAVOR OF THE MOTION: Wolf, Maniotes, Rodriguez, Strother, Greenfield

MEMBERS VOTING AGAINST THE MOTION: None

RECEIVED:  
Providence  
Received for Record  
JUN 21, 2021 12:26 PM  
Document Num: 2021290894  
John A Murphy  
Recorder of Deeds