

Jorge O. Elorza
Mayor

Marc Greenfield
Chair



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Zoning Board of Review

RESOLUTION NO. 2021-22

July 27, 2021

IN RE: Application for Dimensional Variances
(Corner Side Setback, Driveway length)

PROPERTY: Tax Assessor's Plat 28, Lot 569
63 Hammond St

OWNER/
APPLICANT: Matthew Murphy
63 Hammond St
Providence, RI 02909

On June 9, 2021, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing¹ on the request by the Owner/(the "Applicant") for dimensional variances 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 a non-voting alternates.

WHEREAS, the Applicant sought relief from Article 4, Table 4-1 and Article 13, Section 1302.J.1.c. of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance"), to construct an attached garage with a corner side setback of 0'-0" (zero feet) where 4'-0" (four feet) are required, and with a driveway length of 0'-0" (zero feet) where 18'-0" (eighteen feet) 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

¹ The June 9, 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, Matthew Murphy, owner, presented the application and the testimony of Monika Kraemer, architect; and

WHEREAS, the Providence Historic District Commission gave conceptual approval to the proposal prior to the application being heard by the Board; 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 June 9, 2021 recommendation of the Department of Planning and Development (“DPD”) recommending the granting of the dimensional variances.

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

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

1. The Property is located in an R-3 Neighborhood Commercial Zoning District and an HD Historic Overlay District. It consists of a corner lot of approximately 6,330 sq. ft. and is improved with an existing single-family structure with a footprint of 1,073 sq. ft.
2. The proposed attached 2 bay garage will be a single-story structure with a footprint of approximately 22 feet in width by 18.5 feet in depth. It will have a deck on top that can be accessed from the second floor of the house. Further, the proposed garage will provide vehicle access from an existing curb cut that the applicant intends to widen to 21 feet..
3. The Board heard testimony that the proposed design of the garage was well received by the Historic District Commission which granted Conceptual Approval to the project.
4. The Board finds that the relief sought is due to the unique characteristics of the subject Property, which include the existing cub cut. The corner side lot line is not parallel to the face of the house. The placement of the house on the lot leaves insufficient space for a driveway or for an attached garage in another location; a detached garage would require the addition of a large amount of impervious surface.
5. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicants.
6. The Board finds that the hardship is not the result of any prior action of the Applicants, who purchased the Property in its current configuration and curb cut.

7. The relief is not sought primarily from the desire of the Applicants to realize greater financial gain, but rather to add a garage to the Property that can be accessed by the existing curb cut without adding a large amount of impervious surface to the rear yard.
8. The Board agrees with, and incorporates, the findings and 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 evidence demonstrates that the relief sought is the least relief necessary because there is no other reasonable place for the Applicant to build a legally permitted garage.
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 would otherwise not be able to construct a garage while maintaining the permeable landscaped rear yard.

WHEREFORE, upon motion by Ms. Maniotes, seconded by Ms. Rodriguez, the Board voted unanimously (5-0) to APPROVE the application for dimensional variances from the corner side setback and driveway length 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 VARIANCES MADE BY: Maniotes

SECONDED BY: Rodriguez

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

MEMBERS VOTING AGAINST THE MOTION: None

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John A Murphy
Recorder of Deeds