

Jorge O. Elorza
Mayor

Marc Greenfield
Chair



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BK # 13427 Pg # 122

Zoning Board of Review

RESOLUTION NO. 2021-32

December 9, 2021

IN RE: Application for Special Use Permit
(Vehicle Repair/Service in C-2 zone)

PROPERTY: AP 62, Lots 478 & 447
151 Manton Avenue

APPLICANT/
OWNER: Navarrette Tire Shop & Repair, LLC/Gregorio Cruz
453 Manton Avenue
Providence, RI 02909

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

On November 17, 2021, the within matter came before the Zoning Board of Review (the "Board") for a public hearing on the request by the Owner and Applicant (the "Applicant") for a special use permit for a tire shop on the above-designated Property. The following members of the Board were present throughout the hearing: Chair Greenfield, Mr. Wolf, Mr. Strother, Ms. Maniotes, and Ms. Rodriguez. Mr. Mitchell and Mr. Scott sat as a non-voting alternates.

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 Michael McHugh, zoning and code consultant; and

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

WHEREAS, the Board received, and the Chair read into the record, the November 17, 2021 recommendation of the Department of Planning and Development (“DPD”) recommending that the special use permit be granted.

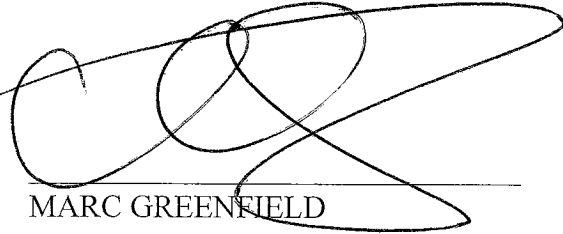
NOW, THEREFORE, after consideration of the application, the testimony, and all the evidence of record, upon motion by Mr. Wolf, seconded by Mr. Strother, the Board voted unanimously (5-0) to APPROVE, with condition, the application for special use permit.

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

1. The Property consists of 2 lots located in a C-2 Zone. Lot 478 is approximately 5,977 sq. ft. and is improved with a single-story vacant commercial structure with a footprint of approximately 3,040 sq. ft.. Lot 447 is a vacant lot of approximately 5,726 sq. ft..
2. The Applicant proposes to merge the two lots and construct an approximately 860 sq. ft. addition to the rear of the existing vacant structure. The existing structure will remain vacant, and the addition will be a new “Vehicle Repair/Service” business. Ordinance Section 1901 and Table 12-1 (Use Matrix) authorize the Board to issue a special use permit for a “Vehicle Repair/Service” in accordance with the standards enumerated in Ordinance Section 1202.AA.
3. The Board finds credible both the application and the testimony Mr. McHugh.
4. The Board finds that, as required by Section 1202.AA:
 - a. All repair and service operations shall be performed within the fully enclosed building. All equipment and parts shall be stored indoors.
 - b. The establishment shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of five feet and a maximum of seven feet in height.
 - c. While vehicles under repair may be placed on the lot, no partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises.
 - d. No motor vehicles shall be stored and no repair work shall be conducted in the public right-of-way.
5. Board members voiced their opinions that the proposed addition will allow for the new small business and will not have a negative impact on property values, nor on the health and welfare of the community or neighborhood. The Board further agrees with and adopts the recommendation of the DPD and finds that the Applicant will comply with the Use Standards and screening requirements.
6. Based on the foregoing, the Board finds that the substantial evidence of record indicates that the granting of the proposed special use permit will not substantially injure the use and enjoyment of, nor significantly devalue neighboring property. Nor will the special use permit be detrimental or injurious to the general health or welfare of the community.

WHEREFORE, on motion by Mr. Wolf, seconded by Mr. Strother, the Board voted unanimously (5-0) to APPROVE the application for a special use permit for an addition to the existing vacant commercial structure for a new Vehicle Repair/Service business **with the condition that the applicant shall satisfy any and all licensing requirements for the proper disposal of automobile waste products.**

By Order of the Zoning Board of Review,



MARC GREENFIELD
CHAIR

ATTENTION: 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 BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; OR OBTAIN A LEGAL BUILDING PERMIT AND A CERTIFICATE OF OCCUPANCY WHEN NO CONSTRUCTION IS REQUIRED.

NOTE: THE ORIGINAL RESOLUTION IS ON FILE IN THE OFFICE OF THE ZONING BOARD OF REVIEW AND MUST BE OBTAINED BY THE OWNER OR HIS/HER/ITS REPRESENTATIVE AND RECORDED IN THE LAND EVIDENCE RECORDS OF THE CITY OF PROVIDENCE BEFORE THE ISSUANCE OF A BUILDING PERMIT. A COPY OF THE RECEIPT ACKNOWLEDGING THAT THE RESOLUTION HAS BEEN RECORDED MUST BE SUBMITTED TO THE OFFICE OF THE ZONING BOARD OF REVIEW AND TO THE DEPARTMENT OF INSPECTION AND STANDARDS BEFORE THE ISSUANCE OF A BUILDING PERMIT.

MOTION TO APPROVE THE SPECIAL USE PERMIT MADE BY: Wolf

SECONDED BY: Strother

MEMBERS VOTING IN FAVOR: Wolf, Strother, Rodriguez, Maniotes, Greenfield

MEMBERS VOTING AGAINST: None

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