

Jorge O. Elorza  
Mayor

FILED Marc Greenfield  
Chair



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## Zoning Board of Review

### RESOLUTION NOS. 2022-04A & 2022-04B

March 22, 2022

IN RE: Application for Special Use Permit  
(Principal Use Parking Lots)

PROPERTY: Tax Assessor's Plat 65, Lots 702, 828, and 701  
17-21 Harold St & 58 Aurora St (M-MU Mixed-Use Zoning District)  
Tax Assessor's Plat 65, Lots 128, 129, and 908  
25-27 Harold St (R-3 Residential Zoning District)

OWNER/  
APPLICANT: Valley Realty Holding Co. (AP 65, Lots 702, 828, 701)  
380 Valley Street  
Providence, RI 02905

Michael J. Salvatore, Individually (AP 65, Lots 128, 129, 908)  
713 Academy Avenue  
Providence, RI 02908

COUNSEL: Michael Kelly, Esq.  
Kelly, Souza & Parmenter, LLC  
128 Dorrance Street, Suite 300  
Providence, RI 02903

On February 2, 2022, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing<sup>1</sup> on the requests by the Owners and Applicants (together the "Applicants"), for special use permits for the above-designated Properties. The following members of the Board were present throughout the hearing: Chair Greenfield, Mr. Strother, Ms.

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<sup>1</sup> The February 2, 2022 public meeting and hearing was conducted via the online platform "Zoom" as a virtual public hearing authorized by the Governor's Executive Order 20-05 dated March 16, 2020, as extended.

Maniotes, Ms. Rodriguez, and Mr. Mitchell. Mr. Scott sat as a non-voting alternate. Mr. Wolf was absent.

WHEREAS, the Applicants sought special use permits pursuant to Table 12-1 and Section 1202.V.2 of the Providence Zoning Ordinance of November 24, 2014, as amended (the “Ordinance”) in order to establish the Properties as principal use parking lots; and

WHEREAS, prior to the hearing, the members of the Board individually made inspections of the Properties and of the surrounding neighborhood; and

WHEREAS, Attorney Michael Kelly presented the applications and the testimony of the Applicant Michael J. Salvatore; and

WHEREAS, there was no written or oral comment on the matters; and

WHEREAS, the Board received, and the Chair read into the record, the February 2, 2022 recommendations of the Department of Planning and Development (“DPD”) recommending the granting of both special use permits, subject to the condition that the lots be merged.

NOW, THEREFORE, after consideration of the Applications, the testimony, and all the evidence of record, upon motions by Mr. Strother, seconded by Ms. Maniotes; and Mr. Strother, seconded by Ms. Rodriguez, the Board voted unanimously (5-0) to APPROVE the Applications for special use permits with condition.

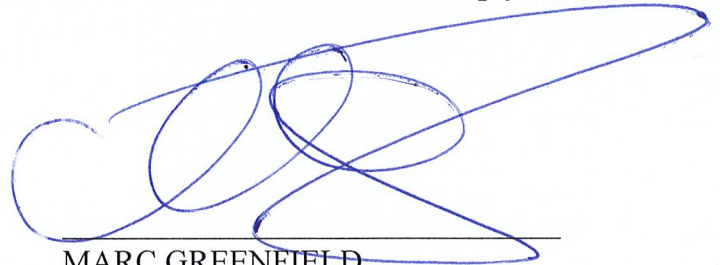
**THE BOARD HEREBY MAKES THE FOLLOWING  
FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. 25-27 Harold St is located in an R-3 Residential District and consists of vacant lots of approximately 6,282 square feet in total.
2. 17-21 Harold St & 58 Aurora is located in an M-MU Mixed-Use District and consists of vacant lots of approximately 7,823 square feet in total.
3. The Applicant owns and operates towing services and seeks to use the Properties for temporary parking of towed vehicles.
4. Article 12, Table 12-1 (Use Matrix) specifically provides that a “Parking Lot (Principal Use)” may be permitted in the R-3 and M-MU zones where it meets the special use criteria, subject to the following requirements of Section 1202.V.2:
  - a. A parking lot shall be used solely for the temporary parking of motor vehicles and shall not be used as an off-street loading area.
  - b. Only structures for the shelter of attendants or for payment kiosks shall be permitted in a parking lot. Shelters or kiosks shall not exceed ten feet in height and 50 square feet in area.

- c. The parking lots shall be screened and landscaped in accordance with the requirements of this Ordinance.
5. The Board finds that the plans submitted with the Applications, together with the testimony, established that the lots will be developed in conformance with the requirements of Ordinance Section 1202.V.2. Further, the Board finds that the proposed paving, landscaping, and fencing will improve the current condition of the Properties.
6. The Board has read and agrees with the reports and recommendations of the DPD, which are incorporated herein by reference.
7. The Board finds that granting the proposed special use permits will not substantially injure the use and enjoyment of, nor significantly devalue neighboring property. The Properties have been used for parking vehicles for some time and will be improved by compliance with the Ordinance's requirements of perimeter landscape buffers, fencing, and landscaping.
8. For the same reasons set forth in paragraph 7 above, the Board finds that granting the proposed special use permits will not be detrimental or injurious to the general health or welfare of the community.

WHEREFORE, upon motions by Mr. Strother, seconded by Ms. Maniotes; and Mr. Strother, seconded by Ms. Rodriguez, the Board voted unanimously (5-0) to APPROVE both applications for special use permit for principal use parking lots with the **condition that the Applicants shall merge the lots by Administrative Subdivision and shall comply with all landscaping and screening requirements.**

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.

17-21 HAROLD ST & 58 AURORA ST:

MOTION TO APPROVE THE APPLICATION FOR SPECIAL USE PERMIT MADE BY:

Strother

SECONDED BY: Maniotes

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

MEMBERS VOTING AGAINST THE MOTION: None

25-27 HAROLD ST:

MOTION TO APPROVE THE APPLICATION FOR SPECIAL USE PERMIT MADE BY:

Strother

SECONDED BY: Rodriguez

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

MEMBERS VOTING AGAINST THE MOTION: None

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