

Brett P. Smiley
Mayor

FILED Marc A. Greenfield
Chair



2023 APR -7 A 10: 49

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

Zoning Board of Review

RESOLUTION NO. 2023-15

April 5, 2023

IN RE: Application for Dimensional Variance
(Two principal structures on an R-3 residential lot)

PROPERTY: Tax Assessor's Plat 30, Lot 717
39-41 Gilmore Street

OWNER/
APPLICANT: Women's Development Corp./West End Preservation Apartments, LP
861A Broad Street
Providence, RI 02907

COUNSEL: Kenneth McGunagle, Esq.
McGunagle Hentz, PC
2088 Broad Street
Cranston, RI 02905

On March 8, 2023, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing on the request by the Owner and Applicant (together the "Applicant"), for a dimensional variance at the above-designated Property. The following members of the Board were present throughout the hearing: Chair Greenfield, Ms. Maniotes, Ms. Rodriguez, Mr. Holt, and Mr. Ryan. Mr. Scott and Mr. Mitchell sat as non-voting alternates.

WHEREAS, the Applicant sought dimensional relief from the requirements of Section 1300.A. of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance") for two principal structures on an R-3 residential lot; 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 Kenneth McGunagle presented the application, and testimony of Ms. Charlotte Thomas-Davison, executive director of Women's Development Corporation, Mr.

Tim Behan, Professional Civil Engineer, and Mr. Chris Tarr, architect, with respect to the reasons for the relief sought; and

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

WHEREAS, the Board received, and the Chair read into the record, the March 8, 2023 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 Mr. Holt, seconded by Mr. Ryan, the Board voted (5-0) to APPROVE the application for dimensional variance.

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

1. The Property is located in an R-3 Residential District and consists of a 6,866 sq. ft. lot improved with a historic 2-family principal structure.
2. Section 1300.A. of the Ordinance limits lots in the R-3 district to one principal structure. Table 4-1 of the Ordinance allows more than 3 dwelling units on a lot in the R-3 zone if they are built as rowhouses and there is a minimum of 1,650 sq. ft. of lot area per dwelling unit. In order to develop the property for 4 dwelling units as would be permitted with rowhouses, the Applicant proposes to build a second 2-family structure as an alternative to demolishing the existing 2-family house.
3. The Board finds credible the testimony of the experts that the relief sought is due to the unique characteristics of the subject Property, more specifically the fact that the lot size can support 4 dwelling units in a different style schematic, and the existing house cannot be added to for rowhouses based on its historic flat-over-flat configuration. Further, the presence of an existing foundation indicates that a principal structure once sat in the location of the proposed new structure.
4. The Board finds that the relief is not sought primarily from the desire of the Applicant to realize greater financial gain, but rather to develop the property as density limits allow. Further, the Board recognizes that the Applicant is a not-for-profit entity that provides affordable rental housing.
5. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicant. Nor is it the result of any prior action of the Applicant.
6. The Board agrees with, and incorporates, the findings and the recommendation of the DPD and likewise finds that granting the requested dimensional variance will not alter the general character of the surrounding area or impair the intent or purpose of the Ordinance or the

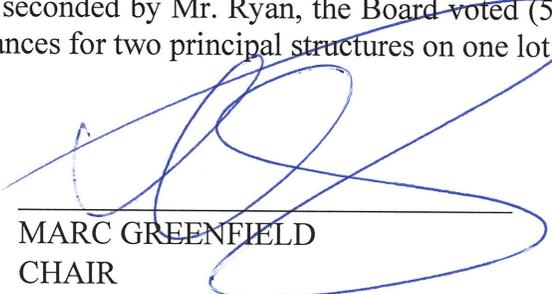
Comprehensive Plan. The added structure will actually serve to fill in a gap in the built fabric of the street.

7. The substantial evidence demonstrates that the relief sought is the least relief necessary to relieve the hardship because otherwise the existing structure would need to be demolished in order to develop the property to its highest permitted density, and the proposed development will otherwise be fully zoning compliant. For these reasons, the Board further concludes that the hardship suffered by the Applicant of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience.

WHEREFORE, upon motion by Mr. Holt, seconded by Mr. Ryan, the Board voted (5-0) to APPROVE the application for dimensional variances for two principal structures on one lot.

By Order of the Zoning Board of Review.

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MARC GREENFIELD
CHAIR

NOTICE TO OWNERS/APPLICANTS:

- A SECTION 1901/1902 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: Holt
SECONDED BY: Ryan
MEMBERS VOTING IN FAVOR: Holt, Ryan, Maniotes, Rodriguez, Greenfield
MEMBERS VOTING AGAINST: None