

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

APR 06 2022

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought:

- Variance – Use *
- Variance – Dimensional*
- Special Use Permit **

* Attach Appendix A to apply for a Use or Dimensional Variances

**Attach Appendix B to apply for a Special Use Permit

Applicant: Jesus R. Acosta

Address 231 Ferraris Street, Copiague, NY

Zip Code 11726

E-mail gacosta@foodbasket.com

631-578-2118

Phone _____

Home/Office

Mobile (Cell)

Owner: R A Realty

Address 219 Academy Avenue, Providence, RI

Zip Code 02908

E-mail desialmanzar@gmail.com

Phone _____

Home/Office

Mobile (Cell)

Lessee: Jesus R. Acosta

Address 231 Ferraris Street, Copiague, NY

Zip Code 11726

E-mail gacosta@foodbasket.com

Phone: _____

Home/Office

613-578-0508

Mobile (Cell)

Does the proposal require review by any of the following (check each):

- Downtown Design Review Committee
- I-195 Redevelopment District Commission
- Capital Center Commission
- Historic District Commission

1. Location of Property: 221 Academy Avenue
Street Address

2. Zoning District(s): C-1 and R-3
Special purpose or overlay district(s): _____

3a. Date owner purchased the Property: 8 April 2008

3b. Month/year of lessee's occupancy: 1 January 2022

3. Dimensions of each lot:

Lot # <u>446</u>	Frontage <u>102.1</u>	depth <u>420.42'</u>	Total area <u>42925</u> sq. ft.
Lot # _____	Frontage _____	depth _____	Total area _____ sq. ft.
Lot # _____	Frontage _____	depth _____	Total area _____ sq. ft.

4. Size of each structure located on the Property:

Principal Structure:	Total gross square footage _____
Footprint <u>14,128sf</u>	Height <u>15'</u> Floors <u>1</u>

Accessory Structure:	Total gross square footage _____
Footprint _____	Height _____ Floors _____

5. Size of proposed structure(s):	Total gross square footage: _____
Footprint <u>15,325sf</u>	Height <u>15'</u> Floors <u>1</u>

6a. Existing Lot coverage: *(include all buildings, decks, etc.)* 14,128sf

6b. Proposed Lot coverage: *(include new construction)* 15,325sf

7a. Present Use of Property (each lot/structure):

Grocery and Liquor Store

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards:

Market & store

8. Proposed Use of Property (each lot/structure):

Grocery and Liquor Store

9. Number of Current Parking Spaces: 43

10. Describe the proposed construction or alterations (each lot/structure):

Moving the liquor store to the right side of the building. Enlarging the grocery store to consume the previous liquor store space.

Existing grocery store is 4,179sf, Proposed grocery store is 13,253sf (including coolers and freezers) Existing liquor store is 7,795sf, Proposed liquor store is 2,000sf

Total existing Building is 14,128sf, Proposed Building is 15,325sf (including coolers and freezers)

11. Are there outstanding violations concerning the Property under any of the following:

- Zoning Ordinance
- RI State Building Code
- Providence Housing Code

12. List all Sections of the Zoning Ordinance from which relief is sought and description of each section:

<u>Article 12</u>	<u>Uses, Table 12-1; Neighborhood Commercial Establishment requires a Special Use Permit.</u>
<u>Article 20</u>	<u>Nonconformities, Section 2000 D. ...Any addition, enlargement, intensification or change ...shall require a Special Use Permit.</u>
_____	<u>(See Transition rule 103 B Existing Uses)</u>
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

The property contains a grocery store, a liquor store and a vacant lease space.

The proposed changes are to reduce the size of the liquor store and enlarge the grocery store, including a new roof structure at the back of the building for walk in freezers and coolers.

The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application.

The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements.

Owner(s):

Applicant(s):

Raul Almanzar

Jesus R. Acosta

Type Name

Type Name

Raul H. Almanzar
Signature

Jesus R. Acosta
Signature

Type Name

Type Name

Signature

Signature

All requirements listed and described in the Instruction Sheet must be met or this application will not be considered complete.

APPENDIX B

APPLICATION(S) FOR SPECIAL USE PERMIT

1. Identify the section(s) of the Ordinance that provides for the special use permit.
Article 12.1 Neighborhood Commercial Establishment in an R-3 District

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property.
This neighborhood grocery store and liquor store have been serving the community for many decades. The proposed project is enlarging the existing grocery store and reducing the liquor store to less than half it's current size. The proposed changes will be a better fit and service to the neighboring properties.

3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.
The proposed uses for this special use already exist, making the grocery store larger and the liquor store substantially smaller should not significantly devalue the neighboring property, as this change will be an enhancement to the neighboring properties.

4. State all facts that demonstrate that the proposed special use will not be detrimental or injurious to the health or welfare of the community.
The proposed uses will not be detrimental or injurious to the health or welfare of the community as they already exist and provide a service to the local area, furthermore; the proposed changes should be an enhancement to community.

**IF THE APPLICANT IS AN EDUCATIONAL OR HEALTH CARE INSTITUTION,
COMPLETE PAGE 10 BELOW**

AMERICA'S FOOD BASKET

217-219 ACADEMY AVE. PROVIDENCE, RI. 02908

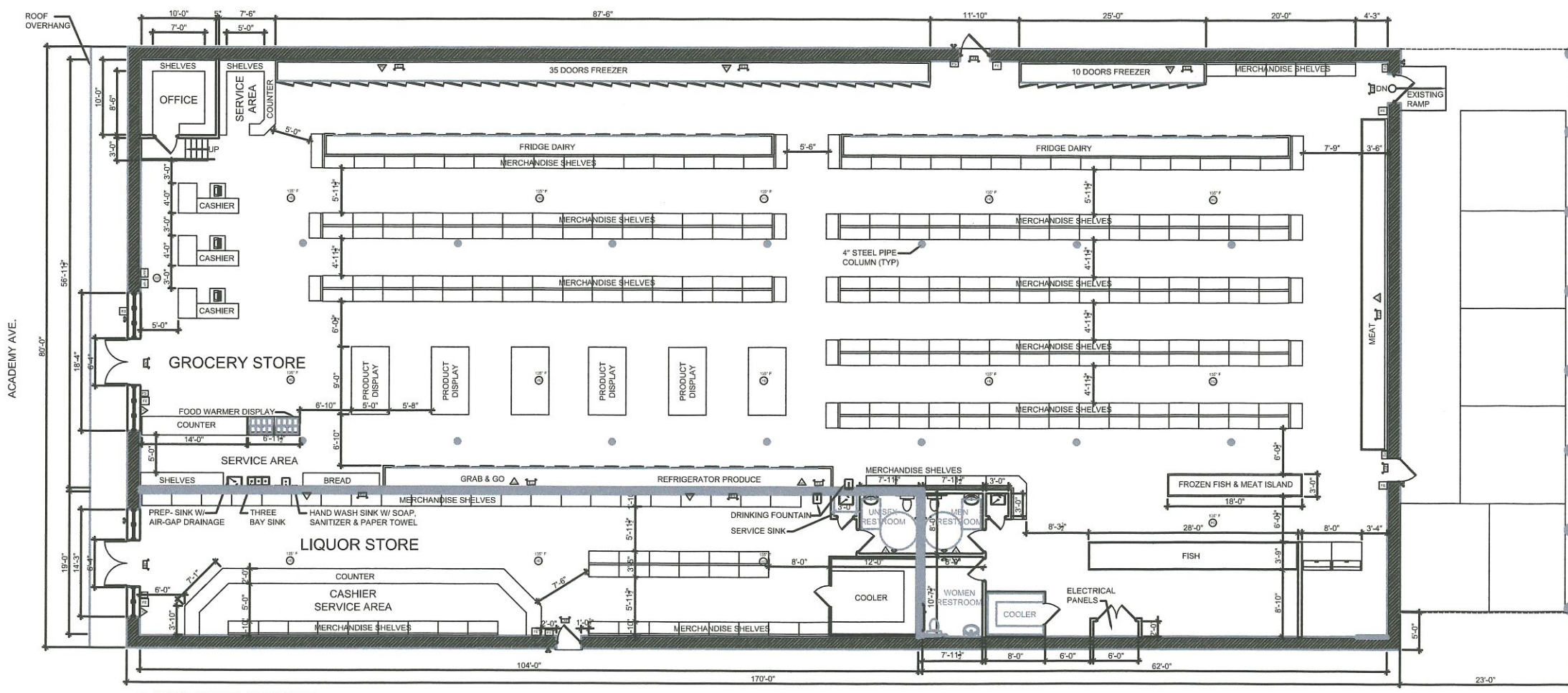
OWNERS / CLIENTS
ANDRES FERREIRA
TEL. (917) 560-8094
AFERREIRA@AFBASKET.COM

PLAT: 65
LOT: 446
ZONING: C-1 & R-3
LEGAL USE: MIXED USE (M,B)
PROP. USE: (M)

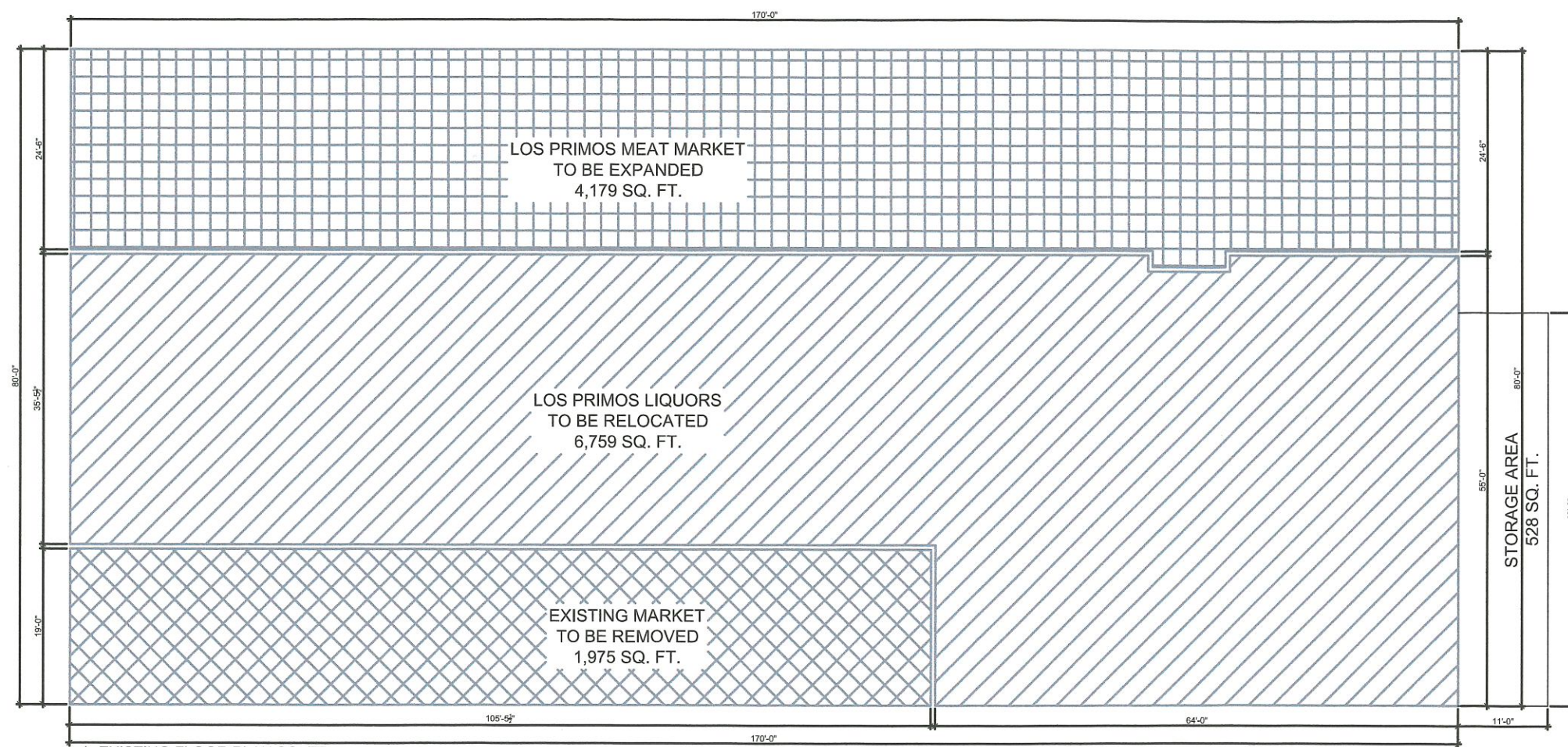
ARCHITECT
JEFFREY LYKINS
110-1/2 SOUTH KILLINGLY RD FOSTER, RI 02825
TEL. 401-474-9901
JEFFREY.LYKINS@GMAIL.COM



DRAWN BY: JL	SCALE: AS NOTED
PROJECT No.: 2022-08	DATE: 04-01-2022
SHEET NAME: PROPOSED FIRST FLOOR PLAN	
SHEET No. A102	
Date & Time: Apr 01, 2022 - 8:44pm	



1- PROPOSE FLOOR PLAN
SCALE: 1/8" = 1'-0"



1- EXISTING FLOOR PLAN SQ. FT.
SCALE: 1/8" = 1'-0"

AMERICA'S FOOD BASKET

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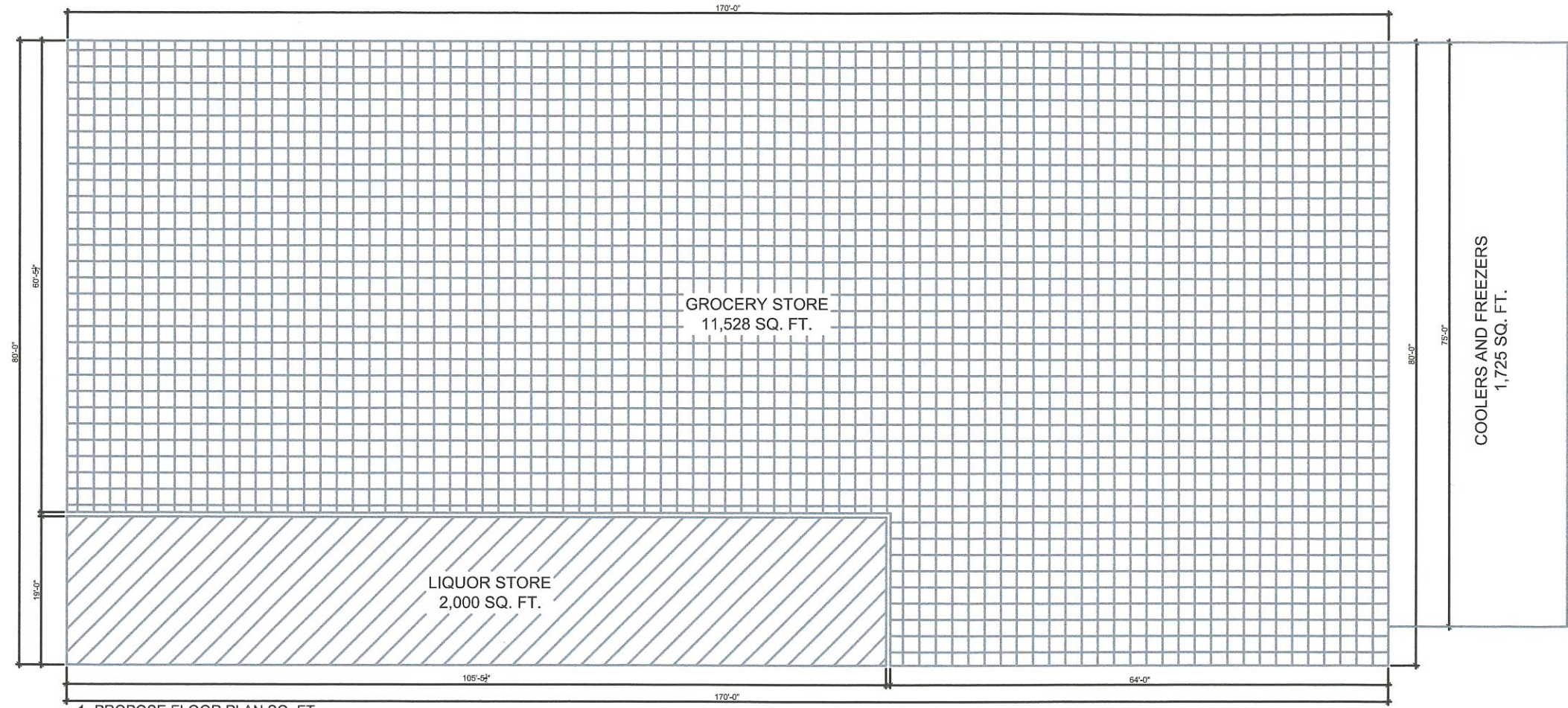


Handwritten signature of Jeffrey Lykins

DRAWN BY: JL SCALE: AS NOTED
PROJECT No.: 2022-08 DATE: 04-01-2022

SHEET NAME:
EXISTING FIRST FLOOR PLAN SQ. FT.

SHEET No.
A101.1



1- PROPOSE FLOOR PLAN SQ. FT.
SCALE: 1/8" = 1'-0"

AMERICA'S FOOD BASKET

217-219 ACADEMY AVE. PROVIDENCE, RI. 02908

OWNERS / CLIENTS
ANDRES FERREIRA
TEL. (917) 560-8094
AFERREIRA@AFBASKET.COM

PLAT: 65
LOT: 446
ZONING: C-1 & R-3
LEGAL USE: MIXED USE (M,B)
PROP. USE: (M)

ARCHITECT
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TEL. 401-474-9901
JEFFREY.LYKINS@GMAIL.COM



Handwritten signature of Jeffrey L. Lykins

DRAWN BY: JL	SCALE: AS NOTED
PROJECT No.: 2022-08	DATE: 04-01-2022
SHEET NAME: PROPOSED FIRST FLOOR PLAN SQ. FT.	
SHEET No. A102.2	





WARRANTY DEED

THE ALOYSIUS L. MURPHY REVOCABLE TRUST DATED APRIL 8, 2008, for and in consideration of Seven Hundred Twenty-Five Thousand (\$725,000.00) Dollars, grant to R A REALTY LLC, of 221 Academy Avenue, Providence, Rhode Island 02908, with WARRANTY COVENANTS

That certain tract or parcel of land with all buildings and improvements thereon, situated on the southeasterly side of Academy Avenue, in the City of Providence and State of Rhode Island, bounded and described as follows:

Beginning at a point on the easterly line of Academy Avenue on hundred forty (140) feet southerly from Linton Street at the southwesterly corner of land now or lately of Anthony Grande et ux; thence easterly at about a right angle with the said easterly line of Academy Avenue, bounding northerly on said last-named land fifty-seven (57) feet; thence northerly at right angles with the last-named land eighty-three (83) feet to land now or lately of Samuel Elman; thence easterly at right angles, bounding northerly on said Elman land sixty-three (63) feet to land now or lately of Raffaele Tucci, Jr. et ux; thence southerly, at right angles bounding easterly on said Tucci land eighty-three (83) feet, thence easterly, at right angles, bounding northerly on lands of said Raffaele Tucci, Jr. et ux, Francesco Lombardi et ux, Eleonora Cardullo, John Sgambato et ux, Ettore Mollo et ux, Primo J. Landi and Antonio Capobianco et ux, in all three hundred and 75/100 (300.75) feet, more or less, to land now or lately of Ernest Cardogno et ux; thence southerly at right angles, bounding easterly on said Cardogno land, one hundred two and 1/10 (102.1) feet to land now or lately of James F. Murphy et ux; thence westerly at right angles, bounding southerly on lands of said Murphy, Oronzo Vescera et ux, Philip Abbatonarco et ux, Catherine Vili et al, Armando Altruda et ux, Ada Sormanti, Raymond R. Lopolla et ux and Tragen Realty Company, in all four hundred twenty and 75/100 (420.75) feet, more or less, to said Academy Avenue; thence northerly on said Academy Avenue one hundred two and 5/10 (102.5) feet to the first mentioned and starting point.

For prior reference see Deed of The Aloysius L. Revocable Trust Dated April 8, 2008 dated March 9, 2012 and recorded in the Land Evidence Records for the City of Providence in Book 10218, Page 306.

Being Assessor's Plat 65 Lots 446 and 445

Subject to any taxes assessed and not paid.

Subject to restrictions and easements of record, if any.

Subject to Memorandum of Lease dated July 20, 2004 and recorded in the Land Evidence Records of the City of Providence in Book 6668 Page 343.

This transfer is such that no R. I. G. L. Section 44-30-71.3 withholding is required as seller is a resident of the State of Rhode Island.

That the undersigned hereby certifies that it has complied with the smoke and carbon monoxide detector law, R.I. G. L. Section 23-28.35-1, et seq.

Witness my hand this 15th day of March, 2012.

THE ALOYSIUS L. MURPHY REVOCABLE TRUST DATED APRIL 8, 2008, by:

Aloysius L. Murphy
ALOYSIUS L. MURPHY, TRUSTEE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In East Providence, on the 15th day of March, 2012, before me personally appeared Aloysius L. Murphy on behalf of The Aloysius L. Murphy Revocable Trust Dated April 8, 2008, to me known and known by me to be the party executing the foregoing instrument and he acknowledged said instrument by him executed to be his act and deed. **INDIVIDUALLY AND IN HIS CAPACITY AS TRUSTEE.**

RECEIVED
Notary Public Robert M. Brady
My Commission Expires: 7/2/13

PROPERTY ADDRESS

217-219 Academy Avenue
Providence, RI 02908

Providence
Received for Record
Mar 20, 2012 at 08:40:02A
Document Num: 00032590
John A. Murphy
Recorder of Deeds

1146946
JP
3-21-12
1146946