

AUG 09 2023

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

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: Brown University

Address 1 Prospect St, Providence, RI

Zip Code 02912

E-mail amygoins@utrlaw.com

Phone (401) 331-2222

Home/Office

Mobile (Cell)

Owner: same

Address _____

Zip Code _____

E-mail _____

Phone _____

Home/Office

Mobile (Cell)

Lessee: _____

Address _____

Zip Code _____

E-mail _____

Phone: _____

Home/Office

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:** 259 Brook Street, aka Plat 16, Lot 673 & 82 Charlesfield Street, aka Plat 16, Lot 598
Street Address

2. **Zoning District(s):** I-2
Special purpose or overlay district(s): _____

3a. **Date owner purchased the Property:** _____

3b. **Month/year of lessee's occupancy:** _____

3. Dimensions of each lot:

Lot # <u>598</u>	Frontage <u>175.32'</u>	depth <u>150.95'</u>	Total area <u>26,377 SF</u>	sq. ft.
Lot # <u>673</u>	Frontage <u>302.41'</u>	depth <u>99.70'</u>	Total area <u>25,681 SF</u>	sq. ft.
Lot # _____	Frontage _____	depth _____	Total area _____	sq. ft.

4. Size of each structure located on the Property:

Principal Structure:	Total gross square footage	<u>82 Charlesfield: 10,824 / 259 Brook: 60,049</u>
Footprint _____	Height _____	Floors <u>Lot 598: 3 / Lot 673: 5</u>

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

5. Size of proposed structure(s):	Total gross square footage:	<u>no change proposed</u>
Footprint _____	Height _____	Floors _____

6a. Existing Lot coverage: (include all buildings, decks, etc.) _____

6b. Proposed Lot coverage: (include new construction) no change proposed

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

Dormitory

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

Dormitory

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

No change in use is proposed for either lot.

9. Number of Current Parking Spaces: _____

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

A fence is proposed along the western edge of 259 Brook St. and the southern edge of 82 Charlesfield St. The fence is proposed to be six (6) feet high, with a two (2) foot lattice topper, for a combined height of eight (8) feet.

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>1302(l)(1)(f)</u>	<u>Fence height limited to six (6) feet</u>
_____	_____
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

See attached.

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): Brown University

Applicant(s): Brown University

Paul E. Dietel, AVP for Planning, Design & Construction

Paul E. Dietel, AVP for Planning, Design & Construction

Type Name

Type Name

Paul E. Dietel

Paul E. Dietel

Signature

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.

Brown University – 259 Brook St. & 82 Charlesfield St.
Narrative for Zoning Board Application – Dimensional Variance for Fence Height

Summary of Relief Requested

This narrative is provided in support of Brown University’s application for a dimensional variance to permit the installation of a fence on two lots: 259 Brook Street, aka Plat 16, Lot 673 (the “Brook Street Lot”); and 82 Charlesfield Street, aka Plat 16, Lot 598 (the “Charlesfield Street Lot”). The proposed fence will be located on the western edge of the Brook Street Lot and the southern edge of the Charlesfield Street Lot. The fence is intended to benefit Brown’s residential abutters in the vicinity of these properties. Specifically, the fence will serve as a buffer between Brown’s property and property located at 134 Power Street, aka Plat 16, Lot 535, owned by Hope Alswang and Henry Joyce (the “Alswang-Joyce Property”).

Section 1302(I) of the Ordinance sets forth site development standards for fences and walls. Subsection 1(f) states as follows: “The combined height of any fence and wall cannot be more than 6 feet.” The proposed fence will be 8 feet high, so a two-foot dimensional variance is required.

The Brook Street Lot is improved with a new dormitory for which construction is substantially complete, with an expected occupancy date of August 15. In 2020, the City Plan Commission reviewed and approved the construction of the dormitory through the Institutional Master Plan (IMP) process. Before construction of the dormitory, the Brook Street Lot was previously improved with a two-family dwelling and surface parking. As part of the IMP process, Brown responded to feedback from the CPC, as well as other stakeholders, in an effort to mitigate the impact of the dormitory’s construction on abutting property owners. The proposed construction of this fence is part of Brown’s ongoing efforts to mitigate the visual impact of the dormitory and to be a good neighbor.

What is the specific hardship from which the applicant seeks relief?

The hardship from which Brown seeks relief is the six-foot height limit for fences, which is too low to serve the purpose of mitigating the visual impact of the fence on the Alswang-Joyce Property and surrounding residences in the area.

Specify any and all unique characteristics of the land or structure that cause the hardship.

As explained above, the Brook Street Lot is improved with a dormitory that is much larger in mass and scale than the surrounding residential dwellings. The Charlesfield Street Lot is also improved with a dormitory known as Barbour Hall, which was constructed in the early twentieth century.

(a) Is the hardship caused by an economic disability?

No.

(b) Is the hardship caused by a physical disability?

No.

Did the owner/applicant take any prior action with respect to the Property that resulted in the need for the variance requested? (Examples include, but are not limited to, any changes the owner/applicant made to the structure(s), lot lines, or land, or changes in use of the Property)?

Brown has taken no action with respect to the Property that created the hardship; in other words, the hardship is not self-created but rather arises because of the inherent tension between

Brown University – 259 Brook St. & 82 Charlesfield St.
Narrative for Zoning Board Application – Dimensional Variance for Fence Height

construction by a university on property that is zoned for institutional use but is also in close proximity to a residential zoning district.

State any and all facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain.

Brown is proposing to construct a fence, at its own expense, for the primary benefit of a neighboring property owner, to demonstrate its commitment to being a good neighbor.

State any and all facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan).

An eight-foot fence is the minimum height that will allow the fence to serve as an effective visual buffer between the dormitory buildings on the Brook Street Lot and the Charlesfield Lot.

If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.

If the variance is not granted, Brown will be unable to follow through on its commitment to the neighborhood, which could negatively affect Brown's relationship with neighboring property owners. Additionally, the Alswang-Joyce Property will suffer more than a mere inconvenience because Brown will be unable to construct an effective visual buffer that will mitigate the impact of the adjacent dormitory buildings.

Addendum for Health Care Institutions or Educational Facilities

Date on which you last filed an Institutional Master Plan ("IMP") with the City:

Brown's IMP was filed and approved in 2017.

Date on which the City issued final approval of your most recent IMP:

Brown's IMP was approved in 2017, with amendments in 2018, 2019, and 2020.

Specify the manner in which the proposed use confirms with your IMP.

The proposed fence is consistent with Brown's IMP, although this standard is not applicable because it is not a proposal to locate an institutional use in a Commercial or Downtown zoning district.

Identify all dimensional requirements that apply to the proposed institutional use (you may refer to sections of the Ordinance).

N/A – the proposed use is not institutional.

Does the proposed use comply with all the dimensional requirements listed above?

The proposed use requires dimensional variances as outlined above.

Identify the sections of the Ordinance that govern parking for the proposed use.

N/A

**Brown University – 259 Brook St. & 82 Charlesfield St.
Narrative for Zoning Board Application – Dimensional Variance for Fence Height**

Describe the manner in which the institution is providing for parking for the proposed use (or attach proposed parking plan).

N/A

State why the proposed use cannot be located on your existing property which an institutional district in which the use is permitted.

N/A

State facts to support that the proposed use is in conformance with the objectives of the Comprehensive Plan. Include references to the specific objectives of the Plan.

Strategy F of Objective LU-7 of Providence Tomorrow: The Comprehensive Plan requires educational institutions to provide five-year IMPs to ensure that there is limited growth and limited negative impacts on neighborhoods. Brown's IMP was approved in 2017, with amendments approved in 2018, 2019, and 2020.

Notes:

- The purpose of this plan is to depict a 200' radius of Lot 95 in the City of Providence on Assessor's Plot #16.
- Field survey work performed by Crossman Engineering from February 26, 2021 through March 9, 2023.
- The horizontal datum is the Rhode Island state plane coordinate system (NAD83) and the vertical datum is NAVD83 utilizing gpa rtk network control.
- Abutters information taken from the City of Providence, RI tax assessors records in June of 2023. This information is not intended to be a certification of title or ownership for the properties shown. Parcels are subject to any easements, restrictions, or conditions of record.



Crossman Engineering

Rhode Island: 151 Centerville Road, Warwick, RI 02886, Phone (401) 738-5660
 Massachusetts: 103 Commonwealth Avenue, North Attleboro, MA 02763, Phone (508) 695-1700

Email: cel@crossmaneng.com

THESE DRAWINGS ARE THE PROPERTY OF CROSSMAN ENGINEERS AND HAVE BEEN PREPARED FOR THE CLIENT FOR A SPECIFIC SITE AND PROJECT. THESE DRAWINGS ARE NOT TO BE COPIED OR REPRODUCED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF CROSSMAN ENGINEERS.

Certification

This survey has been conducted and the plan has been prepared pursuant to 435-RICR-00-00-1.9 of the Rules and Regulations adopted by the Rhode Island State Board of Registration for Professional Land Surveyors on November 25, 2015 as follows:

Limited Content Boundary Survey
 Measurement Specification 1

The purpose for the conduct of the survey and for the preparation of the plan is to delineate the boundaries of the parcel.

Ronald N. Tubman
 Ronald N. Tubman, PLS # 1939
 Certificate of Authorization # A257



DRAWING TITLE:

**Boundary Survey
 &
 200' Radius Map**

**Plat 16 - Lot 95
 Lots 598+673**

PREPARED FOR:

Brown University
 295 Lloyd Avenue
 Providence, RI 02912

DATE: June 20, 2023 SCALE: 1" = 40'

FILE NAME: 2753 200FT RADIUS 20230620

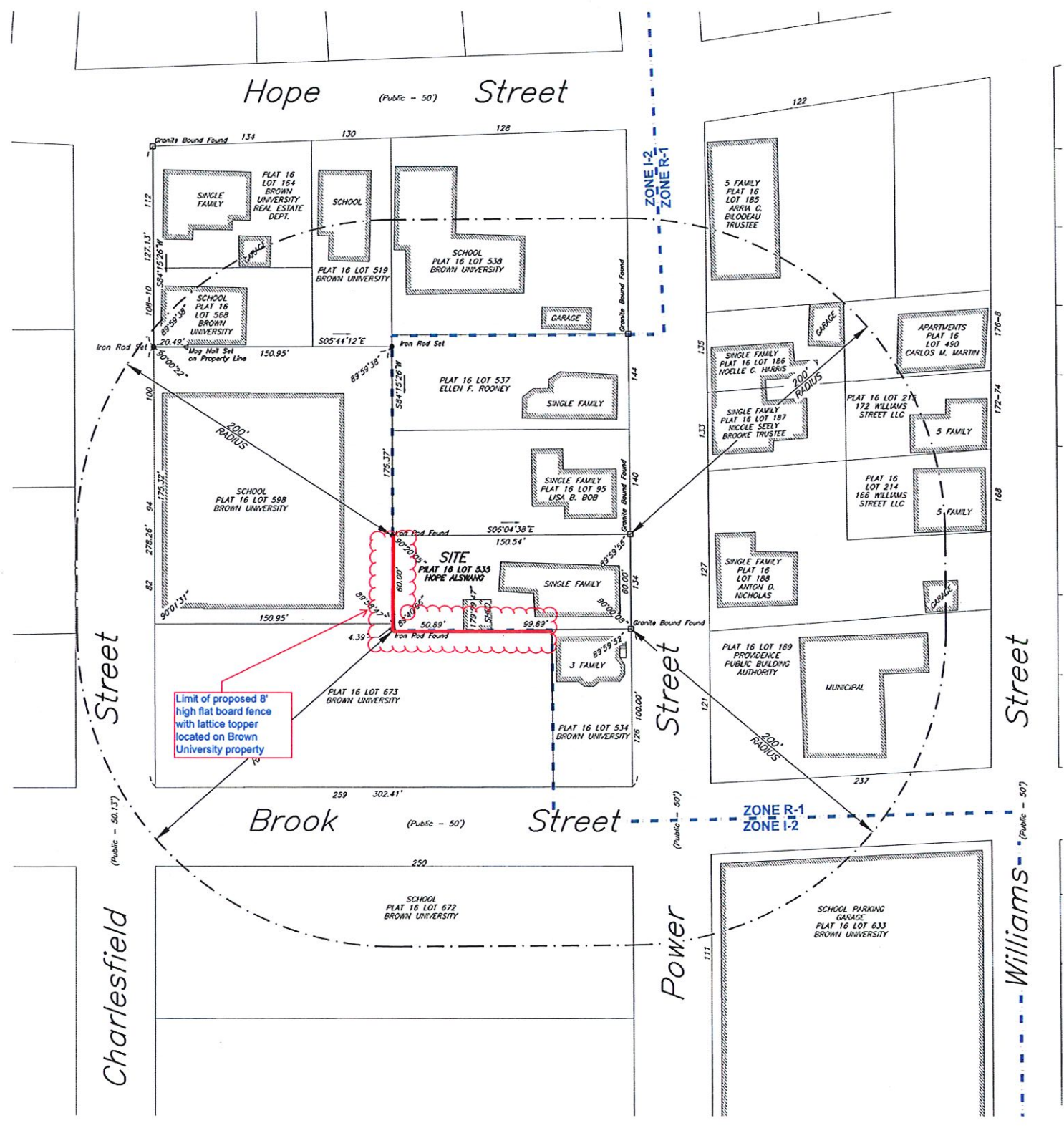
REVISIONS		
NUMBER	REMARKS	DATE

DRAWING NUMBER

2753.10

SHEET: 1 OF 1

- Legend**
- Bollard
 - Contour line
 - XXX Spot Elevation
 - Guard Rail
 - ↑ Sign
 - ☒ Mailbox
 - ☉ Light Pole
 - Signal Pole
 - Drainage Catch Basin
 - Drainage Curb Inlet
 - Drainage Line
 - Drainage Manhole
 - Fiber Optic Line
 - ☉ Utility Pole
 - Guy Wire
 - Overhead Lines
 - ☒ Electric Handhole
 - Electric Lines (underground)
 - Electric Manhole
 - ☒ Electric Meter
 - ☒ Gas Gate
 - Gas Line
 - Gas Manhole
 - ☒ Gas Meter
 - ☒ Gas Shutoff
 - Telephone Line (underground)
 - ☒ Telephone Box
 - ☒ Telephone Handhole
 - Telephone Manhole
 - Sewer Line
 - Sewer Manhole
 - Sewer Cleanout
 - ☒ Fire Hydrant
 - Water Line
 - ☒ Water Gate
 - ☒ Water Shutoff
 - Water Manhole
 - Abandoned Utility
 - Barbed Wire Fence
 - Chain Link Fence
 - Stockade Fence
 - Post and Rail Fence
 - Stone Wall
 - Retaining Wall
 - Tree / Hedge Line
 - ☒ Deciduous Tree
 - ☒ Evergreen Tree
 - Edge of Water
 - ☒ Well
 - ☒ Monitoring Well
 - ☒ Test Hole
 - ☒ Wetland Flag
 - ☒ Covered Manholes
 - ☒ Curb Inlets



LIST OF ABUTTERS WITHIN 200'

- Plat 16
 Lots 164, 534, 672
 Brown University
 Real Estate Dept.
 PO Box 1902
 Providence, RI 02903
- Plat 16 Lot 537
 Ellen F. Rooney &
 Khachig Tololyan
 144 Power Street
 Providence, RI 02906-1063
- Plat 16 Lot 535
 Hope Alswang &
 Henry Joyce
 134 Power Street
 Providence, RI 02906
- Plat 16 Lot 186
 Noelle C. Harris &
 Jonathan L. Harris
 135 Power Street
 Providence, RI 02906
- Plat 16 Lot 490
 Carlos M. Martins &
 Luci A. Martins
 21 Marlane Drive
 Seekonk, MA 02771-2602
- Plat 16 Lot 215
 172 Williams Street LLC
 172 Williams Street
 Providence, RI 02906
- Plat 16
 Lots 519, 538, 568, 598, 673,
 633
 Brown University
 PO Box 1902
 Providence, RI 02912
- Plat 16 Lot 95
 Lisa B. Bob
 140 Power Street
 Providence, RI 02906
- Plat 16 Lot 185
 Arria C. Bilodeau Trustee
 137 Power Street
 Providence, RI 02906
- Plat 16 Lot 187
 Brooke Nicole Seely Trustee &
 Zachary Kyle Seely Trustee
 133 Power Street
 Providence, RI 02906.
- Plat 16 Lot 214
 168 Williams Street LLC
 151 Twin Peninfula Avenue
 Wakefield, RI 02879
- Plat 16 Lot 189
 Providence Public Bldg Authority
 400 Reservoir Avenue
 Providence, RI 02907
- Plat 16 Lot 188
 Anton D. Nicholas &
 Isadora K. Nicholas
 127 Power Street
 Providence, RI 02906

Notes:

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- Plat 12 Lot 490
Brown University
PO Box 1902
Providence, RI 02912
- Plat 13 Lot 139
Harold J. Cook & Faye Cook Trustee
277 Brook Street
Providence, RI 02906
- Plat 13
Lots 145, 169, 259, 144, 142, 137, 140
Brown University
PO Box 1902
Providence, RI 02912
- Plat 16
Lots 164, 534, 672
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Providence, RI 02906.
- Plat 16 Lot 214
166 Williams Street LLC
151 Twin Peninsula Avenue
Wakefield, RI 02879
- Plat 16 Lot 189
Providence Public Bldg Authority
400 Reservoir Avenue
Providence, RI 02907
- Plat 16 Lot 188
Anton D. Nicholas & Isadora K. Nicholas
127 Power Street
Providence, RI 02906
- Plat 16 Lot 642
Brown University
PO Box 1902
Providence, RI 02912
- Plat 17
Lots 604, 260, 261
Brown University
PO Box 1902
Providence, RI 02912
- Plat 17 Lot 602
Brown University Office Of General Counsel
PO BOX 1913
Providence, RI 02912
- Plat 16 Lot 185
Arria C. Bilodeau, Trustee
137 Power Street
Providence, RI 02906

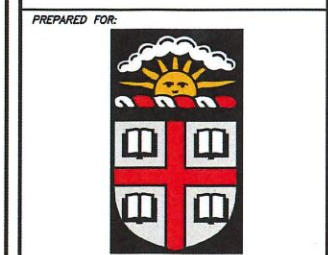
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 Certificate of Authorization # A257



DRAWING TITLE:
200' Radius Map
Plat 16 - Lots 598 and 673



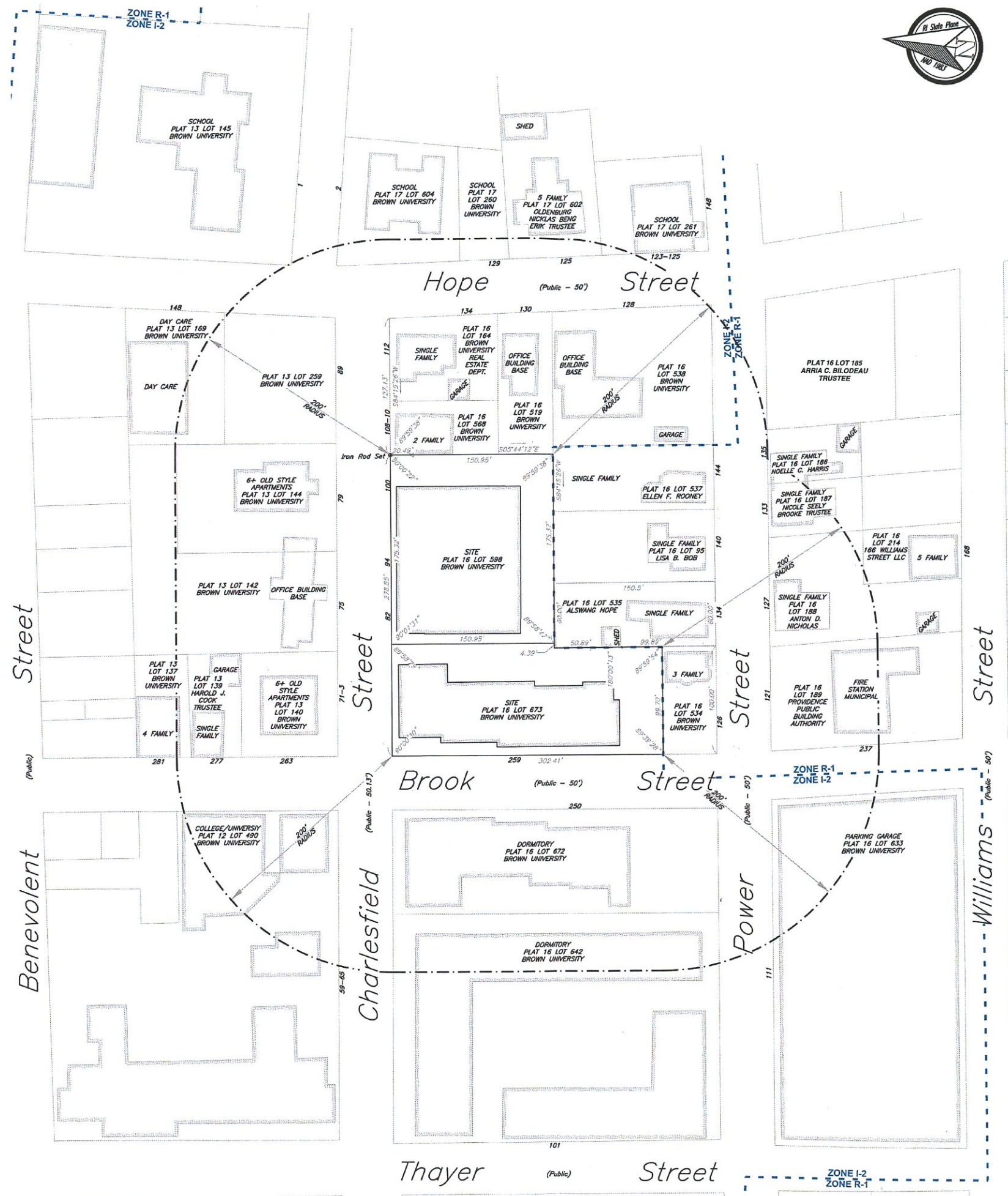
DATE: July 10, 2023
 SCALE: 1" = 50'

FILE NAME:
 2753 200FT RADIUS 20230710

REVISIONS		
NUMBER	REMARKS	DATE

DRAWING NUMBER
2753.10
 SHEET: 1 OF 1

- Legend**
- Bollard
 - Contour line
 - Spot Elevation
 - Guard Rail
 - Sign
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 - Signal Pole
 - Drainage Catch Basin
 - Drainage Curb Inlet
 - Drainage Line
 - Drainage Manhole
 - Fiber Optic Line
 - Utility Pole
 - Guy Wire
 - Overhead lines
 - Electric Handhole
 - Electric Lines (underground)
 - Electric Manhole
 - Electric Meter
 - Gas Gate
 - Gas Line
 - Gas Manhole
 - Gas Meter
 - Gas Shutoff
 - Telephone Line (underground)
 - Telephone Box
 - Telephone Handhole
 - Telephone Manhole
 - Sewer Line
 - Sewer Manhole
 - Sewer Cleanout
 - Fire Hydrant
 - Water Line
 - Water Gate
 - Water Shutoff
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 - Well
 - Monitoring Well
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 - Wetland Flag
 - Covered Manholes
 - Curb Inlets





8/9/2023



8/9/2023

8/9/2023



8/19/2023



