

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:** Paul Marks

**Address** P.O. Box 1046 Brookline, MA

E-mail npsolarep@gmail.com  
Phone 617-731-9114  
*Home/Office*

**Zip Code** 02446  
617-901-0577  
*Mobile (Cell)*

**Owner:** Manton Development Partners, L

**Address** P.O. Box 1046 Brookline, MA 02446

E-mail npsolarep@gmail.com  
Phone 617-731-9114  
*Home/Office*

**Zip Code** 02446  
617-901-0577  
*Mobile (Cell)*

**Lessee:** \_\_\_\_\_

**Address** \_\_\_\_\_

E-mail \_\_\_\_\_  
Phone: \_\_\_\_\_  
*Home/Office*

**Zip Code** \_\_\_\_\_  
\_\_\_\_\_  
*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:** 265 Manton Avenue & 18-26 Pope Street  
*Street Address*

2. **Zoning District(s):** C2 & R3  
**Special purpose or overlay district(s):** \_\_\_\_\_

3a. **Date owner purchased the Property:** 11/21/2019

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

3. Dimensions of each lot:

Lot #	63-605	Frontage	112.3	depth	287.14	Total area	30265.7	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:

<b>Principal Structure:</b>	<b>Total gross square footage</b>	_____
Footprint	6990	_____
Height	58.5	_____
Floors	2	_____

<b>Accessory Structure:</b>	<b>Total gross square footage</b>	331.24
Footprint	331.24	_____
Height	12	_____
Floors	1	_____

<b>5. Size of proposed structure(s):</b>	<b>Total gross square footage:</b>	_____
Footprint	_____	_____
Height	_____	_____
Floors	_____	_____

6a. Existing Lot coverage: (include all buildings, decks, etc.) 24.17 \_\_\_\_\_

6b. Proposed Lot coverage: (include new construction) 57.06 \_\_\_\_\_

7a. Present Use of Property (each lot/structure):  
Vacant church & parking area \_\_\_\_\_

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards:  
Commercial & Residential uses under C2 an R3 zoning \_\_\_\_\_

8. Proposed Use of Property (each lot/structure):  
Solar canopy over parking. Solar canopy to be Net Metered to provide renewable energy for renovated structure. Existing Church - Commercial/Retail/Ehibition andCo-Working \_\_\_\_\_

9. Number of Current Parking Spaces: 25 \_\_\_\_\_

10. Describe the proposed construction or alterations (each lot/structure):  
Demolish existing garage, reconstruct parking and drainage, erect solar canopy andinstall solar panels. Renovate church structure \_\_\_\_\_

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

<u>N/A</u>	Zoning Ordinance
<u>N/A</u>	RI State Building Code
<u>N/A</u>	Providence Housing Code

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

Table 4-1	Maximum lot coverage of 45% andtotal impervious coverage of 65% in R3 zonii
Article 13-13	Accessory Solar Energy System - Maximum Height of 20 feet and two stories
Article 1302	Accessory Solar Energy System - Freestanding system permittd only in interior
Article 13 1302.Q.3b	Accessory Solar Energy System - Maximum height of eight feet for free standing system in residential zone



**13. Explain the changes proposed for the Property.**

The long vacant church will be renovated into Commercial / Retail / Exhibition and Co-Working space. The church building will undergo repairs and upgrades to the building envelope and significant energy efficiency measures. The existing parking lot will be regraded, new drainage, paved and landscaped. A solar parking canopy will be erected and a 175KW solar array will be installed to provide for all the heating, cooling and operations of the renovated church building

*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):**

Paul D. Marks

Type Name

Signature

Paul D.Marks

Type Name

Signature

**Applicant(s):**

Paul D.Marks

Type Name

Signature

Paul D.Marks

Type Name

Signature

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

# APPENDIX A

## APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(c) requires that the Applicant for a variance demonstrate:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16);
- (2) That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based;
- (4) That the relief to be granted is the least relief necessary; and
- (5) (a) For a **use variance**: That the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance;  
(b) For a **dimensional variance**, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience.

**Please provide the following information:**

**1. What is the specific hardship from which the applicant seeks relief?**

Height restrictions without relief would preclude the use of a solar canopy over the parking area. While the building is in a C2 zoning district, the parking area is located in an R3 zoning district

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

The parking area is of irregular shape due to street alignment therefore relief is sought on set back. The solar canopy must conform to design criteria for Fire depart access below the canopy, the tilt

3. (a) Is the hardship caused by an economic disability? Yes  No

(b) Is the hardship caused by a physical disability? Yes  No

(c) If the response to subsection (b) is "yes," is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.?

Yes  No

**4. 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)?**

Yes  No

**If "yes," describe any and all such prior action(s), and state the month/year taken.**

The Applicant had previously applied for and was granted the requested relief as evidenced by the attached Addenda A&B.

The onset of the Corona virus pandemic resulted in the project delay beyond the expiration date of the decision granting the requested relief.



**5. 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.**

The proposed solar canopy is sought to provide clean renewable energy as part of an adaptive of the building. Continued status quo reliance on fossil fuels is more expensive, less reliable and inconsistent with environmental goals

**6. 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).**

The canopy has been designed to generate all electrical requirements of the proposed development and eliminate the use of carbon based fuels. The canopy design minimum height is constrained by the Fire Department requirement for access below the canopy, canopy position is constrained by shading of the solar panels by the adjacent structures and maximum height is constrained by the

**7. If you are seeking a USE VARIANCE, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. 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.**

The canopy has been designed to cover the existing parking area. The height of the canopy is established by the minimum design standard for height and angle of pitch of 10%, which is far lower than the optimal pitch for our latitude which is 30%. Set back relief is sought due to the irregular shape of the Pope Street parcel.

\_\_\_\_\_

## Appendix A

**1. What is the specific hardship from which the applicant seeks relief?**

**Height restrictions without relief would preclude the use of a solar canopy over the parking area. While the building is in a C2 zoning district, the parking area is located in an R3 zoning district which is more restrictive for the solar canopy use. The lot configuration is irregular due to street alignment which affects the parking area configuration and canopy above. The excess lot coverage is a pre-existing condition. The proposed project will improve drainage and improve permeability with new landscaped area**

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

**The parking area is of irregular shape due to street alignment therefore relief is sought on set back. The solar canopy must conform to design criteria for Fire depart access below the canopy, the tilt angle of the canopy is established by the latitude to achieve adequate solar production and must be sufficient to shed snow during the winter months**



**GENERAL NOTES**

- THE PROJECT INCLUDES THE REMOVAL OF THE EXISTING GARAGE, PAVEMENT LIMITS, CONCRETE WALL, CHAIN LINK FENCE AND DEAD TREES WITHIN THE EXISTING AREA BEHIND THE CHURCH. THE PROJECT ALSO INCLUDES LIMITED REMOVAL/REPLACEMENT OF CURB AND SIDEWALK TO FACILITATE IN THE INSTALLATION OF THE NEW CURB CUT.
- ZONING DISTRICT INFORMATION OBTAINED FROM CITY OF PROVIDENCE ZONING ORDINANCE, LAST REVISED IN 2018.
- THE PROJECT SITE INCLUDES LOTS 346, 367, 368 & 369 ON ASSESSOR'S MAP 62 AS SHOWN ON THE CITY OF PROVIDENCE ASSESSORS MAP.
- THE PROJECT LIES WITHIN THE RESIDENTIAL (R-3) DISTRICT AND THE GENERAL COMMERCIAL (C-2) DISTRICT.
- MODIFICATIONS TO THIS PLAN MAY OCCUR AS UNFORESEEN CONDITIONS ARISE. ALL CHANGES SHALL BE APPROVED BY THE ENGINEER. ALL CHANGES SHALL BE APPROVED BY THE ENGINEER.
- ALTERNATIVE METHODS AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED IF REVIEWED AND APPROVED BY THE OWNER, SITE ENGINEER, AND APPROPRIATE REGULATORY AGENCY PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL PRODUCTS, MATERIALS, AND PLANT SPECIFICATIONS TO THE OWNER AND SITE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO FABRICATION OR DELIVERY TO THE SITE. ALLOW A MINIMUM OF 14 WORKING DAYS FOR REVIEW.
- THE CONTRACTOR SHALL PROVIDE AS-BUILT RECORDS OF ALL CONSTRUCTION (INCLUDING UNDERGROUND UTILITIES) TO THE OWNER AT THE END OF THE CONSTRUCTION.
- CITY OF PROVIDENCE ENGINEERING OFFICE SHALL BE CONTACTED FOR ALL SITE INSPECTIONS INCLUDING DRAINAGE, PAVING, SIDEWALK INSPECTION, WATER & SEWER SERVICES.

**SITE LAYOUT NOTES**

- REFER TO ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND EXTERIOR FEATURES INCLUDING UTILITY METERS, BOLLARDS, DOORS, PILASTERS, RAMPS, ETC.
- ALL LIMITS OF PAVEMENT SHALL BE CURBED, UNLESS OTHERWISE NOTED.
- ALL ONSITE CURB SHALL BE PRECAST CONCRETE AND MONOLITHIC CONCRETE AND OFFSITE CURB SHALL BE VERTICAL GRANITE, UNLESS OTHERWISE SPECIFIED.
- NON-ACCESSIBLE PARKING SPACE DIMENSIONS AS SHOWN ON THE PLAN ARE 8.5' WIDE x 18' LONG.
- PAVEMENT MARKINGS AND STRIPING SHALL PAINTED WITH 2 COATS OF PAINT (WHITE OR YELLOW, SEE PLAN) PER FEDERAL SPECIFICATION T1-P-115 TYPE 1; ALKYD.
- PAVEMENT LETTERS SHALL BE 2' WIDE X 2' LONG.
- STOP BARS SHALL BE 12" WIDE AND SOLID/DASHED LINES SHALL BE 4" IN WIDTH (SEE SITE PLAN FOR LENGTH & COLOR).
- ACCESSIBLE PARKING SPACES SHALL CONFORM TO THE LATEST EDITION OF THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA) AND THE ARCHITECTURAL ACCESS BOARD (AAB) AS SHOWN ON THE SITE PLANS.
- ACCESSIBLE PARKING AISLE STRIPING SHALL CONSIST OF 4" SOLID AZURE BLUE LINES ORIENTED AT A 45 DEGREE ANGLE AND SPACED 3" ON CENTER.
- ACCESSIBLE RAMP LENGTHS MAY VARY. REFER TO SITE PLAN FOR ACTUAL LENGTHS.
- DIRECTIONAL AND ACCESSIBLE SIGNS SHALL CONFORM TO THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR COLOR AND SIZE.
- ALL FLAT WORK WITHIN THE RIGHT OF WAY SHALL CONFORM TO MUNICIPAL/STATE STANDARDS.
- SNOW SHALL NOT BE STORED IN ANY LANDSCAPED AREAS, EXCEPT FOR DESIGNATED SNOW STORAGE AREAS, AND SHALL NOT BE STORED IN ANY MANNER WHICH AFFECTS VISIBILITY FOR PEDESTRIANS AND VEHICLES. THE CLEARING OF SNOW MUST COMMENCE WHEN STOCKPILED SNOW EITHER IMPEDES THE SIDEWALK OR PARKING SPACE ACCESS, AT WHICH TIME, THE APPLICANT WOULD BE EXPECTED TO REMOVE THE SNOW.
- REPLACEMENT PAVEMENT AS A RESULT OF UTILITY AND DRAINAGE TRENCHING WITHIN THE RIGHT-OF-WAY SHALL MATCH EXISTING PAVEMENT THICKNESS.

**LEGEND**

	PROTECT EXISTING TREES TO REMAIN, TYP.		EVERGREEN SHRUBS (DRIP OR MIST HEAD IRRIGATION)		SEEDED LAWN (SPRAY-HEAD IRRIGATION)
	EVERGREEN TREES (DRIP OR MIST HEAD IRRIGATION)		DECIDUOUS SHRUBS (DRIP OR MIST HEAD IRRIGATION)		IRRIGATION SLEEVES
	DECIDUOUS SHADE TREES (DRIP OR MIST HEAD IRRIGATION)		PERENNIALS (DRIP OR MIST HEAD IRRIGATION)		
	ORNAMENTAL & FLOWERING TREES (DRIP OR MIST HEAD IRRIGATION)				

**GENERAL ABBREVIATIONS**

ASSESSORS PARCEL	A.P.
BOTTOM OF CURB	BC
BITUMINOUS CONCRETE CURB	BC
BITUMINOUS CONCRETE	BIT. CONC
BOTTOM OF WALL	BW
CATCH BASIN	CB
CATCH BASIN W/ CURB INLET	CB/CI
CONCRETE CURB	CC
CHAIN LINK FENCE	C.L.F.
CLEANOUT	CO
CONCRETE SURFACE	CONC
DRAIN MANHOLE	DMH
DOUBLE WALL FIBER GLASS	DWFG
DASHED WHITE LINE	DWL
DOUBLE SOLID YELLOW LINE	DSYL
EDGE OF PAVEMENT	EOP
EXTRUDED CONCRETE CURB	ECC
FINISHED FLOOR ELEVATION	FF=
FRONT YARD	FY
VERTICAL GRANITE CURB	GC
SLOPED GRANITE CURB	SGC
GAS METER	GM
HIGH DENSITY POLYETHYLENE PIPE	HDPE
INVERT ELEVATION	I=
LINEAL FEE	LF
LANDSCAPED AREA	LA
MONOLITHIC CONCRETE CURB	MCC
MATCH EXISTING	ME
MONITORING WELL	MW
INVERT NOT AVAILABLE	N/A
NOW OR FORMERLY ON CENTER	N/F
RIM ELEVATION	R=
ROOF DRAIN	RD
REAR YARD	RY
SOLID WHITE EDGE LINE	SWEL
SOLID WHITE LINE	SWL
SIDE YARD	SY
SOLID YELLOW LINE	SYL
TOP OF CURB	TC
TOP OF WALL	TW
UTILITY POLE	UP

**GENERAL LANDSCAPE NOTES**

- CONTRACTOR SHALL MAKE A SITE VISIT PRIOR TO BIDDING TO EXAMINE EXISTING CONDITIONS FOR THEMSELVES. CONTRACTOR TO FAMILIARIZE THEMSELVES W/ DESIGN DOCUMENTS NOTES & DETAILS AND THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE DESIGN, CURRENT EDITION.
- CONTRACTOR SHALL NOTIFY / COORDINATE WITH THE MUNICIPALITY PRIOR TO PLANT MATERIAL INSTALLATION.
- PRIOR TO THE PRE-CONSTRUCTION MEETING THE CONTRACTOR SHALL CONTACT DIG SAFE @ 811 TO HAVE THE EXISTING UTILITIES MARKED.
- ALL CONTRACTORS SHALL INSPECT SITE PRIOR TO BIDDING TO VERIFY EXISTING CONDITIONS FOR THEMSELVES.
- THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON THE DRAWINGS. SEE SPECIFICATION.
- ALL PLANT MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY "THE AMERICAN STANDARD FOR NURSERY STOCK", PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. ANSI Z60.1-CURRENT EDITION.
- ALL PLANTS TO BE BALLED IN BURLAP OR CONTAINER GROWN. NO PLASTIC BURLAP.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF ACCEPTANCE.
- HEAL ALL CONSTRUCTION SCARS WITH NATURALIZED GRASS, LAWN OR MULCH AS INDICATED BY DRAWINGS AND/ OR AS DIRECTED BY LANDSCAPE ARCHITECT.
- "DRY ROOTS" SHALL BE ADDED TO ALL NEW TREE PLANTING PITS. ALL NEW LOAM SHALL BE TESTED AND AMENDED AS STATED IN THE LOAM REPORT. PROVIDED BY LOAM SUPPLIER.
- LANDSCAPE CONTRACTOR SHALL SUBMIT A WATERING SCHEDULE PROGRAM FOR THE (60) DAY MAINTENANCE PERIOD FOR REVIEW TO OWNER FOR ALL PROPOSED PLANT MATERIAL.
- PROTECT EXISTING PLANT MATERIAL WITHIN CONSTRUCTION LIMITS. PROVIDE WATERING PROGRAM FOR ALL PROPOSED PLANT MATERIAL DURING CONSTRUCTION.
- DECIDUOUS TREES SHALL BE AT LEAST 2" IN CALIPER AS MEASURED 6" ABOVE THE ROOT BALL AT TIME OF PLANTING.
- THE TOTAL LAND TRACT IS APPROXIMATELY 30,300 SF, OF WHICH 14,000 LIES WITHIN THE R-3 DISTRICT AND 16,300 SF LIES WITHIN THE C2 DISTRICT. THEREFORE, FOR TREE PLANTING PURPOSES, 30% OF THE R3 LAND AND 15% OF THE C2 LAND SHALL INCLUDE TREE COVERAGE. 30% OF 14,000 SF = 4,200 SF AND 15% OF 16,300 SF = 2,445 SF. THEREFORE, 6,645 SF OF TREE COVERAGE IS REQUIRED FOR THE ENTIRE SITE. THERE ARE CURRENTLY 8 TREES PROXIMATE TO THE BUILDING AND EXISTING PARKING LOT THAT WOULD BE CATEGORIZED AS MEDIUM TREES. THEREFORE, 8,000 SF OF TREE CANOPY CURRENTLY EXISTS ON THE PROPERTY, THEREBY SATISFYING THE REQUIREMENT. IN ADDITION TO EXISTING TREES, THE APPLICANT IS PROPOSING 12 ADDITIONAL MEDIUM TREES ALONG THE PARKING LOT PERIMETER.

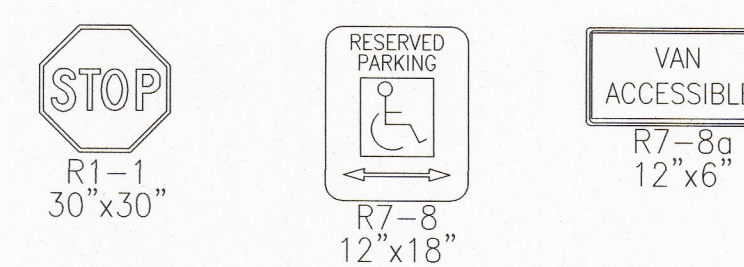
**IRRIGATION NOTES**

- THE DESIGN/BUILD IRRIGATION SUB-CONTRACTOR SHALL PROVIDE A COMPLETE SYSTEM FOR THE IRRIGATION AREAS SHOWN ON THE PLAN, WHICH INCLUDES NEW AND EXISTING TRANSPLANTED PLANT MATERIALS. SHOP DRAWINGS SHALL BE PROVIDED AT A SUITABLE SCALE TO ILLUSTRATE THAT THE DESIGNATED PLANT MATERIALS WILL BE IRRIGATED BY EITHER SPRAY HEADS, MIST HEADS OR DRIP IRRIGATION TUBING.
- IRRIGATION TO BE COORDINATED WITH GENERAL CONTRACTOR TO LOCATE THE NECESSARY PVC SLEEVING TO COMPLETE IRRIGATION PROGRAM.
- ALL LAWN AREAS SHALL BE SPRAY HEAD IRRIGATED. THE HEADS SHALL BE LOCATED FOR HEAD TO HEAD COVERAGE WITH NO OVER-SPRAY ONTO THE PAVEMENT.
- ALL TREES, SHRUBS AND GROUND COVER SHALL BE DRIP IRRIGATED/IRRIGATED WITH SHRUB MIST HEADS.
- THE IRRIGATION LAYOUT AND ALL OF THE COMPONENTS SHALL CONFORM TO THE SPECIFICATIONS. THE SPECIFICATIONS CALL FOR SHOP DRAWINGS TO BE SUBMITTED FOR APPROVAL, AS WELL AS CONFORMANCE TO THE MATERIALS SPECIFIED.
- THE CONTRACTOR SHALL BE EXTREMELY CAREFUL DURING THE INSTALLATION PROCESS NOT TO DISTURB NEW OR EXISTING PLANT MATERIALS. THE CONTRACTOR IS TO COORDINATE HIS WORK WITH OTHER SUB-CONTRACTORS.
- SLEEVING UNDER PAVEMENTS MUST BE AVAILABLE AND IN THE PROPER LOCATION PRIOR TO PAVING.
- THE IRRIGATION CONTRACTOR SHALL CONFORM TO ANY LOCAL CODES OR ORDINANCES THAT MAY BE REQUIRED TO COMPLETE THE WORK.
- THE IRRIGATION ALTERNATE SHALL INCLUDE THE COST OF CONNECTING TO THE BUILDING WATER SERVICE DOWN STREAM OF THE BACK FLOW PREVENTER OF THE IRRIGATION WELL.
- THE IRRIGATION CONTRACTOR SHALL TEST WATER SOURCE FOR WATER QUALITY INCLUDING MINERALS THAT MAY CAUSE STAINING OF CONCRETE, GRANITE, PAVEMENT & CURBS.

**LANDSCAPE DEPTH NOTES**

- LOAM DEPTHS SHALL BE AS FOLLOWS:
  - LAWN AREAS: 6" ROLLED THICKNESS
  - PLANT BEDS: 1'-0" LOAM DEPTH IN THE PLANTED AREA WITH 2" MULCH
  - ISOLATED PLANTED ISLANDS: 1'-0" LOAM DEPTH
- LAWN GRASS SHALL BE LANDSCAPE/UTILITY MIXTURE FOR SUN/SHADE AND MAY INCLUDE BUT IS NOT LIMITED TO THE FOLLOWING SPECIES:
  - ENCHANTED PERENNIAL RYEGRASS
  - CREeping RED FESCUE
  - GOLDRUSH KENTUCKY BLUEGRASS

**SIGNS**



**LAND COVERAGE CALCULATIONS**

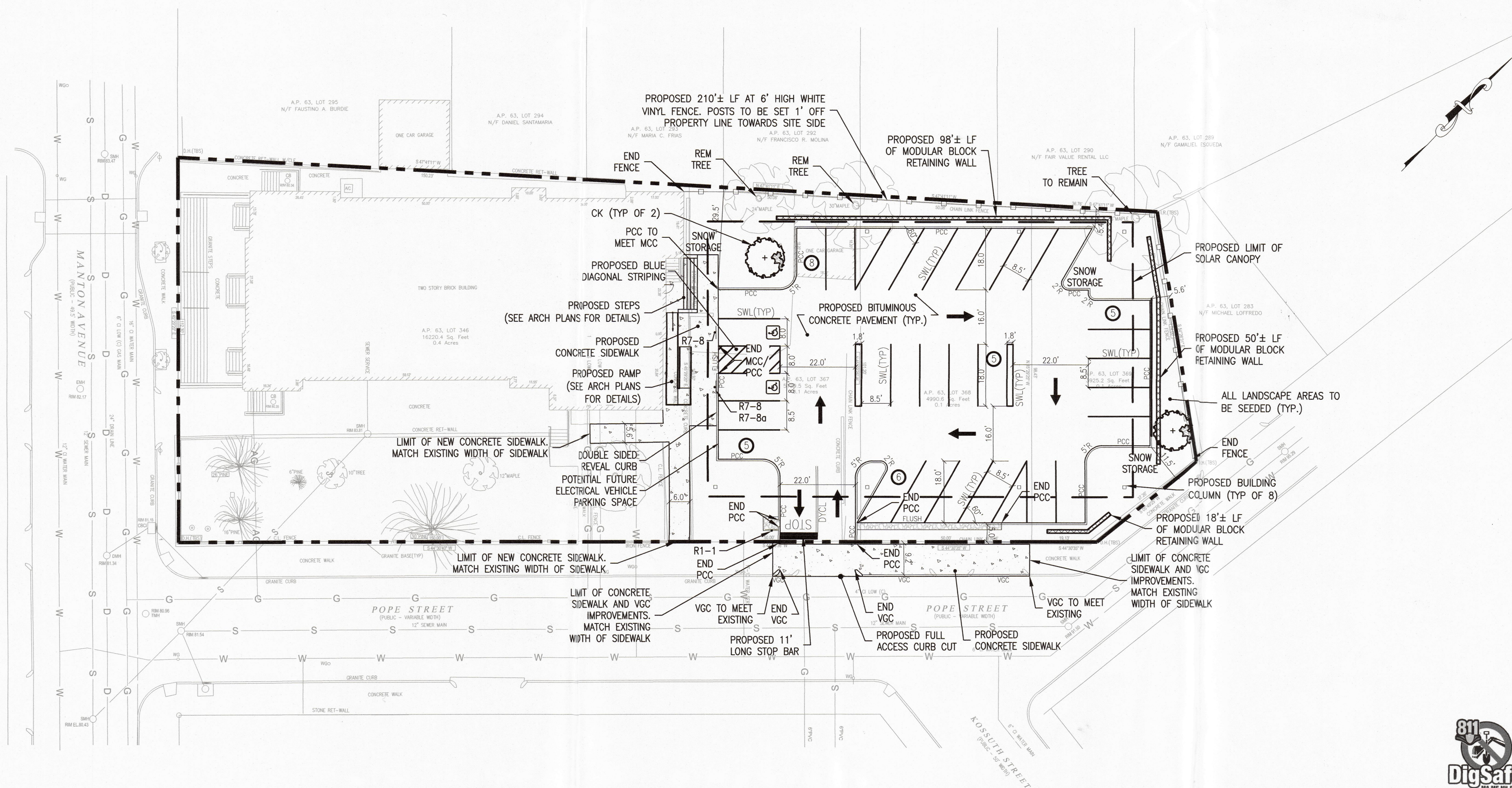
EXTERIOR IMPROVEMENTS AREA = 0.33± ACRES		
COVER	EXISTING	PROPOSED
BUILDING	0.01± ACRES	N/A
PAVEMENT	0.29± ACRES	0.23± ACRES
OPEN SPACE	0.03± ACRES	0.10± ACRES
TOTAL	0.33± ACRES	0.33± ACRES

**PARKING & LOADING INFORMATION**

USE	REQUIRED	PROVIDED
<b>PARKING:</b> OUTDOOR MARKET: 1 SP/500 GFA = 1,116 GFA/500 = 2.2 SPACES OFFICE: 1 SP/500 GFA = 330 GFA/500 = 0.67 SPACES RECEPTION FACILITY: 1 SP/500 GFA = 6,990 GFA/500 = 13.9 SPACES RETAIL GOODS: 1 SP/500 GFA = 6,990 GFA/500 = 13.9 SPACES	31 SPACES	29 SPACES

**PLANT MATERIAL LIST**

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
<b>DECIDUOUS AND ORNAMENTAL TREES</b>						
CK	2	CLADRSTIS KENTUCKEA	YELLOWWOOD	2 1/2"-3"	B&B	6' HIGH BRANCHING, LAWN AREA ONLY
<b>SHRUBS</b>						
BT	11	BERBERIS THUNBERGII	CRIMSON PYGMY	24-36"	CAN	3'-4" WIDTH
EA	42	EUONYMUS ALATUS	BURNING BUSH	80-96"	CAN	
<b>SEED</b>						
		NEW ENGLAND CONSERVATION SEED MIX		1 LB/1200 SQ.FT.		5 LBS THROUGHOUT



**NOT FOR CONSTRUCTION**

REVISIONS:

REV	DATE	COMMENT
1		
2		
3		
4		
5		
6		
7		
8		

SCALE:

DESIGNED BY: TMF  
 CHECK BY: PRH

SEAL:  
  
 PHILIP R. HENRY, P.E.

APPLICANT:  
**PSS DEVELOPMENT, LLC**  
 P.O. BOX 1046  
 BROOKLINE, MA 02446

PROJECT:  
**SITE IMPROVEMENTS**  
 POPE STREET  
 PROVIDENCE, RI 02908

PREPARED BY:  
**CIVIL DESIGN GROUP, LLC**  
 21 HIGH STREET, SUITE 207  
 NORTH ANDOVER, MA 01845  
 www.cdengineering.com  
 p: 978-794-5400 f: 978-965-3971

SHEET:  
**SITE & LANDSCAPE PLAN**  
**1**

CDG PROJECT #: 19031  
 DATE: 09/09/2019





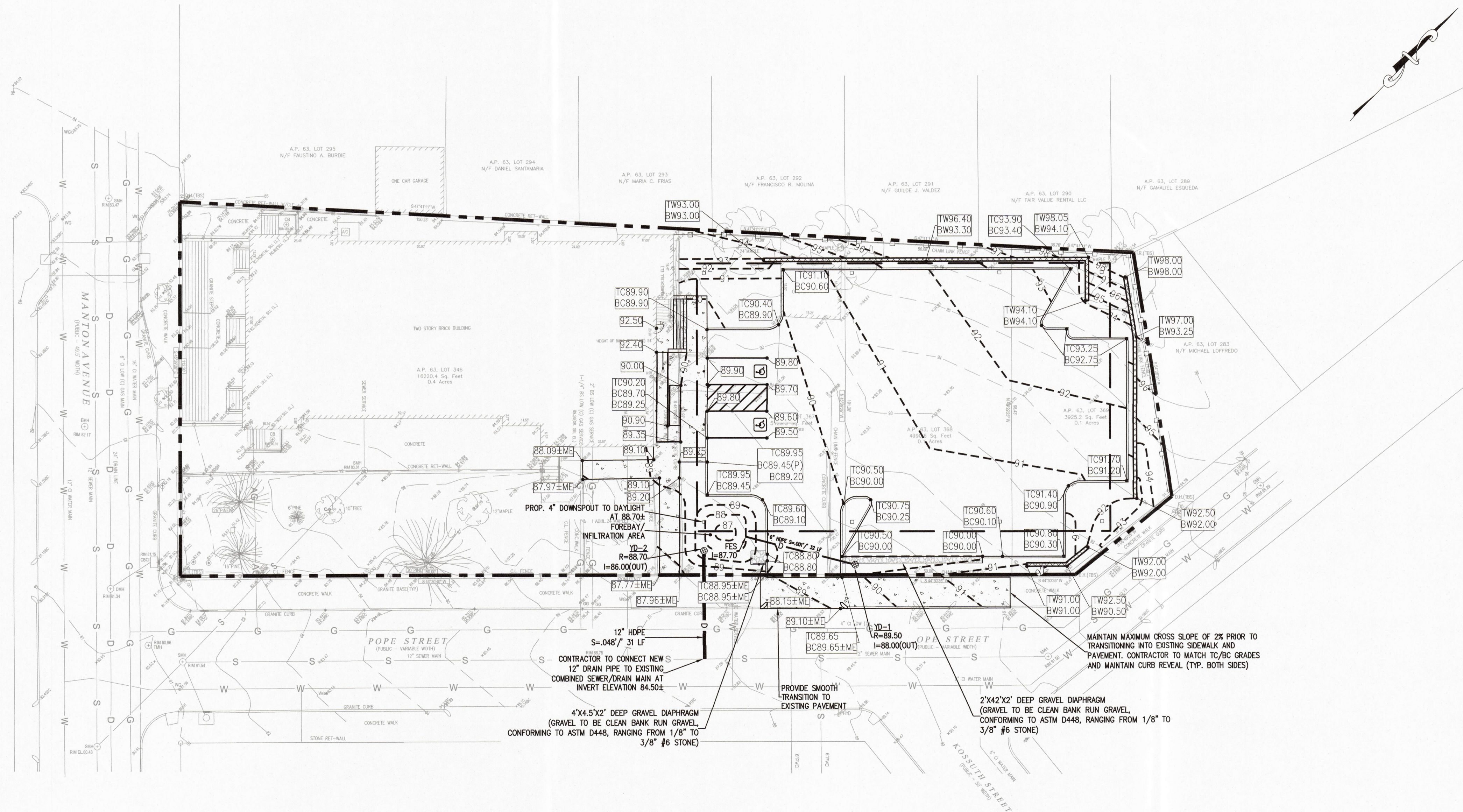
**GRADING & DRAINAGE NOTES**

1. THE ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON THE DATUM REFERENCE ON THE EXISTING CONDITIONS PLAN.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING ALL CONTROL POINTS AND ELEVATION BENCHMARKS THROUGHOUT CONSTRUCTION.
3. EXTERIOR ELEVATIONS ALONG EACH BUILDING SIDE MAY VARY IN ORDER TO ACHIEVE GRADE IN CERTAIN AREAS. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE PROPOSED BUILDING.
4. NEW SIDEWALKS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2.0% AND A MAXIMUM RUNNING SLOPE OF 5.0% UNLESS AN ADA COMPLIANT RAMP IS PROVIDED. RAMPS SHALL NOT EXCEED AN 8.3% RUNNING SLOPE AND SHALL NOT EXCEED A 6" RISE UNLESS A HANDRAIL IS PROVIDED. FURTHERMORE, ACCESSIBLE PARKING SPACES AND PROXIMATE ACCESS AISLES SHALL BE SLOPED AT A MAXIMUM OF 2.0% IN ALL DIRECTIONS. SHOULD ANY DISCREPANCIES WITH THESE REQUIREMENTS ARISE DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY SO THAT AN ACCEPTABLE SOLUTION CAN BE DETERMINED.
5. CURB SHALL TRANSITION FROM FLUSH TO FULL DEPTH REVEAL (6 INCHES) WITHIN 6 FEET, UNLESS OTHERWISE SPECIFIED.
6. CONTRACTOR SHALL NOTIFY ENGINEER IF THE ILLUSTRATED GRADES CANNOT BE ACHIEVED WITHIN ACCESSIBLE AREAS, INCLUDING PARKING SPACES, ROUTES AND RAMPS.
7. UNLESS OTHERWISE SPECIFIED, THE CONTRACTOR SHALL PROVIDE AS-BUILT RECORDS OF ALL CONSTRUCTION (INCLUDING UNDERGROUND UTILITIES) TO THE OWNER AT THE END OF THE CONSTRUCTION.
8. PROPOSED BOTTOM OF CURB ELEVATIONS ALONG EXISTING STREETS ARE BASED ON EXISTING CONDITIONS INFORMATION AND SHALL BE CONSIDERED APPROXIMATE. CONTRACTOR SHALL MATCH EXISTING EDGE OF PAVEMENT GRADE.
9. EXISTING DRAINAGE AND UTILITY RIM ELEVATIONS LOCATED WITHIN THE LIMIT OF WORK TO REMAIN SHALL BE ADJUSTED BY THE CONTRACTOR TO MATCH NEW FINISHED GRADE.
10. ALL FLAT WORK WITHIN THE RIGHT OF WAY SHALL CONFORM TO MUNICIPAL/STATE STANDARDS.
11. EXISTING TREES OUTSIDE OF THE LIMIT OF WORK SHALL BE PROTECTED DURING CONSTRUCTION.
12. ALL DISTURBED AREAS OUTSIDE THE LIMIT OF WORK SHALL BE RESTORED IN KIND.
13. NEW DRAINAGE PIPE SHALL BE DUAL WALL CORRUGATED HDPE (ADS N-12 OR APPROVED EQUAL), UNLESS OTHERWISE SPECIFIED.
14. ELEVATION OF LANDSCAPED AREAS ARE GIVEN AT PLANTED/SOD GRADE.
15. DUE TO THE DECREASE IN IMPERVIOUS AREA, THE PEAK FLOW RATES CONTRIBUTING TO POPE STREET ARE ASSUMED TO BE LESS IN THE POST DEVELOPMENT CONDITION.
16. A STONE DIAPHRAGM HAS BEEN PROPOSED AS A PRE-TREATMENT MEASURE AND A FOREBAY AREA HAS BEEN PROPOSED TO COLLECT AND TREAT RUNOFF PRIOR TO DISCHARGING INTO THE EXISTING COMBINED DRAINAGE SYSTEM.

LEGEND		DESCRIPTION
○	DMH	DRAIN MANHOLE
□	CB	CATCH BASIN
—	D	DRAIN PIPE
—	70	INDEX CONTOUR
—	69	MINOR CONTOUR
130.150 129.400	69 70	TOP/BOTTOM CURB ELEVATION
x129.5	129.50	SPOT ELEVATION
♿		ACCESSIBLE PAVEMENT MARKINGS
—		RAMP UPSLOPE DIRECTION
○		LIGHT
○		UTILITY POLE
HYD		HYDRANT
□		BUILDING COLUMN
□		CONCRETE SIDEWALK/PAD
○		IRON PIPE/IRON PIN

GENERAL ABBREVIATIONS	
A.P.	ASSESSOR'S PARCEL
BC	BOTTOM OF CURB
BCC	BITUMINOUS CONCRETE CURB
BTC	BITUMINOUS CONCRETE
BT	BOTTOM OF WALL
CB	CATCH BASIN
CB	CATCH BASIN W/ CURB INLET
CBCI	CONCRETE CURB
CC	CHAIN LINK FENCE
C.L.F.	DRAINAGE CLEANOUT
DCO	CONCRETE SURFACE
CONC	CONCRETE
DH (F)	DRILL HOLE FOUND
DMH	DRAIN MANHOLE
DWFG	DOUBLE WALL FIBER GLASS
DWLF	DASHED WHITE LINE
DSYL	DOUBLE SOLID YELLOW LINE
EOP	EDGE OF PAVEMENT
ECC	EXTRUDED CONCRETE CURB
EH	ELECTRIC HANDHOLE
FF	FINISHED FLOOR ELEVATION
FY	FRONT YARD
GM	VERTICAL GRANITE CURB
GM	GAS METER
HDPE	HIGH DENSITY POLYETHYLENE PIPE
I=	INVERT ELEVATION
LF	LINEAL FEET
LA	LANDSCAPED AREA
MCC	MONOLITHIC CONCRETE CURB
ME	MATCH EXISTING
N/A	INVERT NOT AVAILABLE
N/F	NOW OR FORMERLY
OC	ON CENTER
R=	RIM ELEVATION
RD	ROOF DRAIN
REM	REMOVE
RY	REAR YARD
SWL	SOLID WHITE EDGE LINE
SWL	SOLID WHITE LINE
SY	SIDE YARD
TC	TOP OF CURB
TW	TOP OF WALL
UP	UTILITY POLE
VC	VITRIFIED CLAY
WG	WATER GATE
WSO	WATER SHUT-OFF

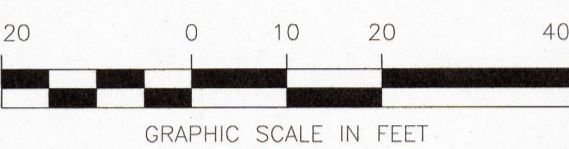


NOT FOR CONSTRUCTION

REVISIONS:

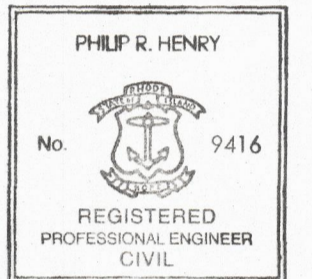
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2		
3		
4		
5		
6		
7		
8		

SCALE:



DESIGNED BY: TMF  
CHECK BY: PRH

SEAL:



*Philip R. Henry*

PHILIP R. HENRY, P.E.

APPLICANT:

PSS DEVELOPMENT, LLC  
P.O. BOX 1046  
BROOKLINE, MA 02446

PROJECT:

SITE IMPROVEMENTS  
POPE STREET  
PROVIDENCE, RI 02908

PREPARED BY:

CIVIL DESIGN  
GROUP, LLC

21 HIGH STREET, SUITE 207  
NORTH ANDOVER, MA 01845  
www.cdengineering.com  
p: 978-794-5400 f: 978-965-3971

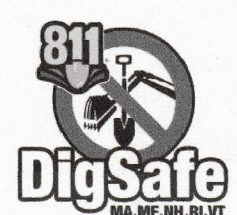
SHEET:

GRADING &  
DRAINAGE PLAN

2

CDG PROJECT #: 19031

DATE: 09/09/2019





# MANTON MARKETPLACE

265 MANTON AVENUE  
PROVIDENCE, RHODE ISLAND

## Design Team

**OWNER**  
PSS DEVELOPMENT, LLC  
P.O. BOX 1046  
BROOKLINE, MA 02446  
CONTACT: PAUL MARKS  
T: 617.731.9114

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NORTH ANDOVER, MA 01845  
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195 TAPPAN STREET, BROOKLINE, MA 02445  
T: 857.234.0155

DATE: ISSUE FOR:

09-16-19 ZBA application

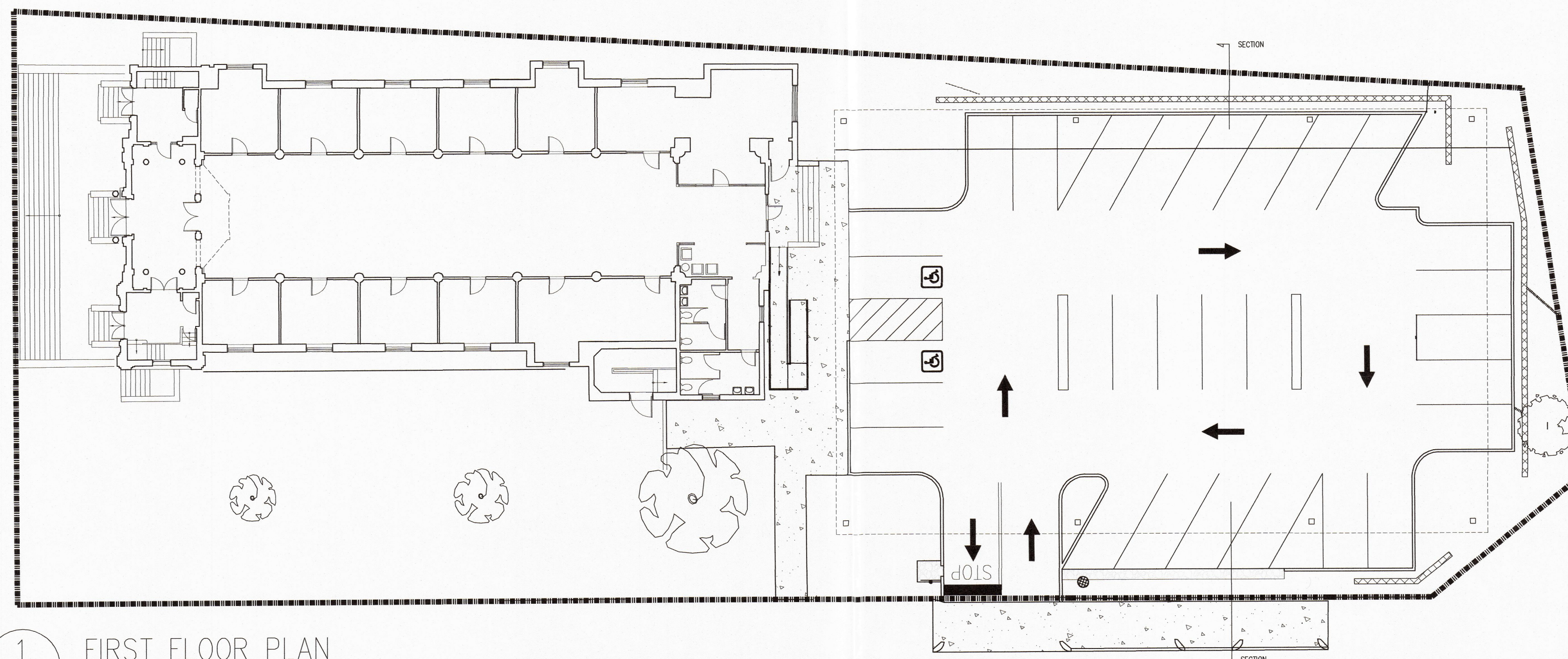
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CANOPY ROOF PLAN

SCALE:  
1/16" = 1'-0"

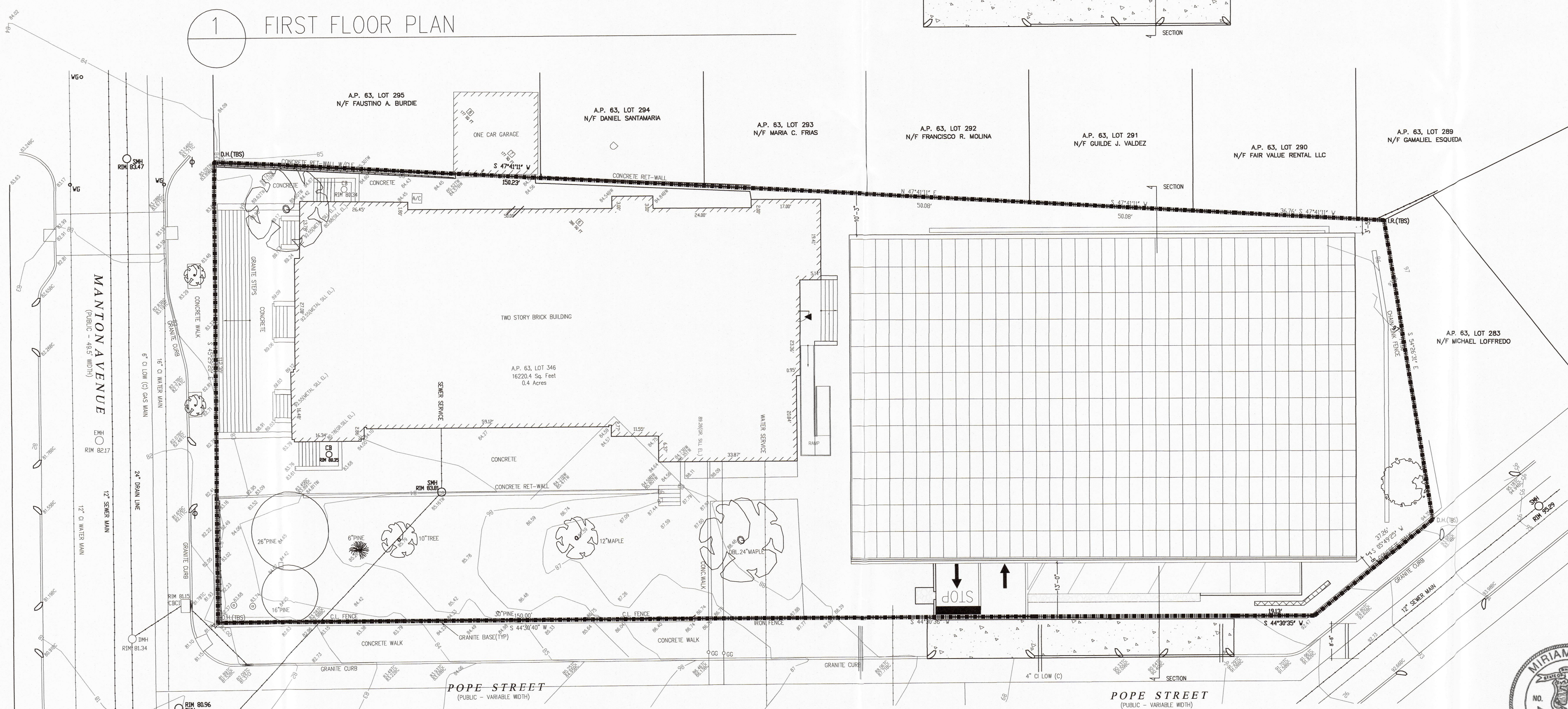
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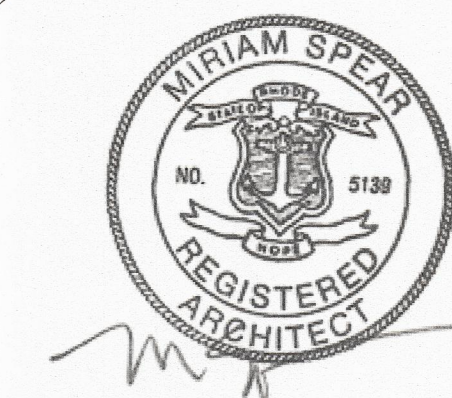
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1 FIRST FLOOR PLAN



2 CANOPY ROOF PLAN





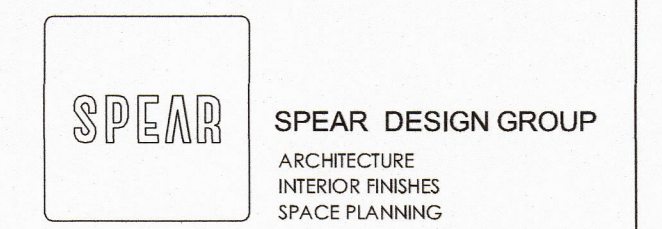
# MANTON MARKETPLACE

265 MANTON AVENUE  
PROVIDENCE, RHODE ISLAND

## Design Team

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PSS DEVELOPMENT, LLC  
P.O. BOX 1046  
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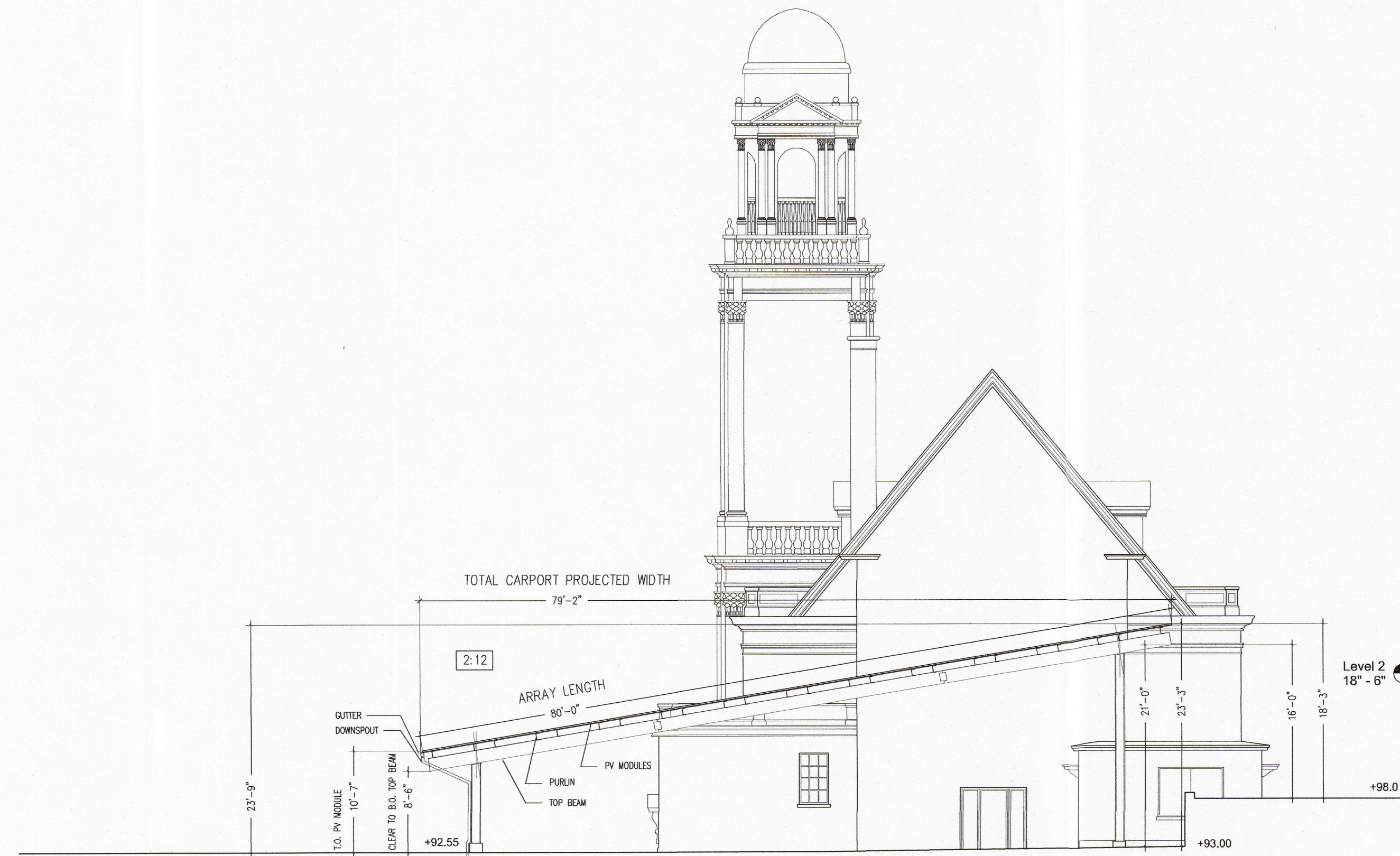
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BUILDING & CANOPY  
ELEVATIONS

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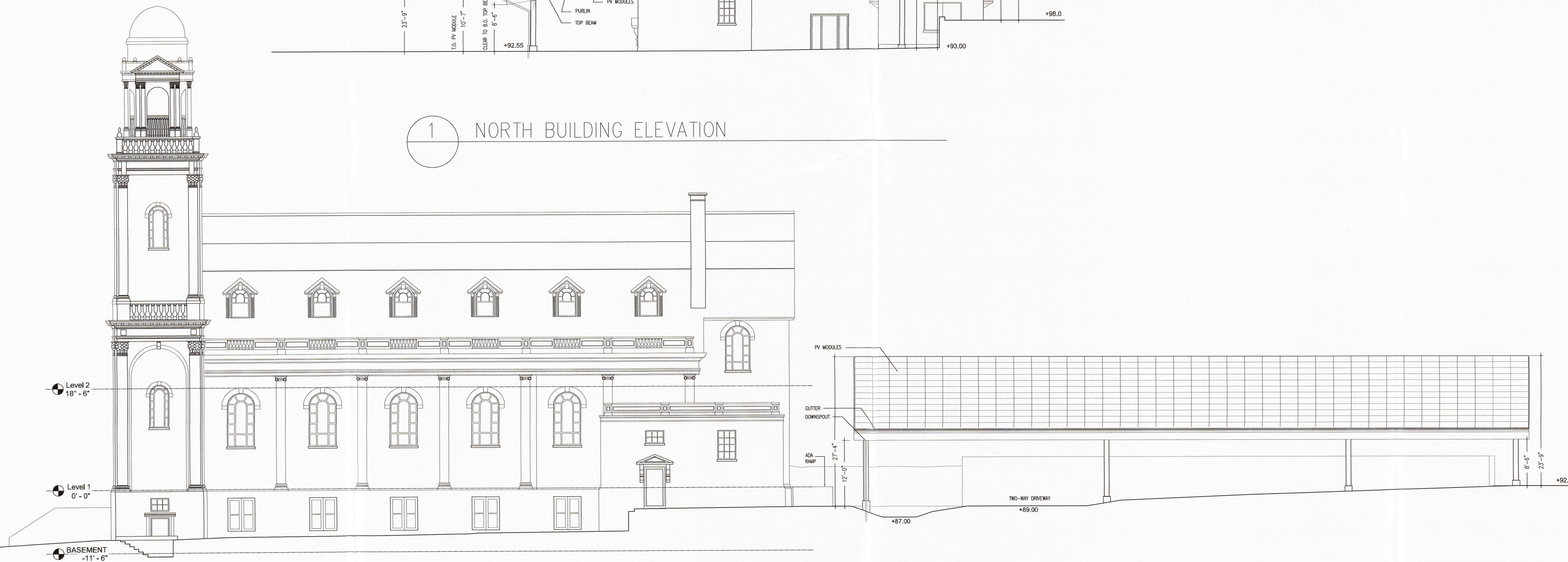
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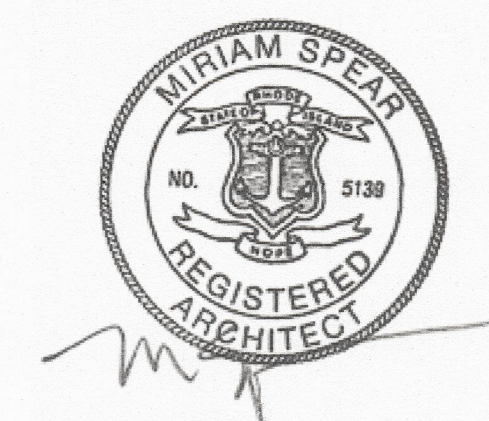
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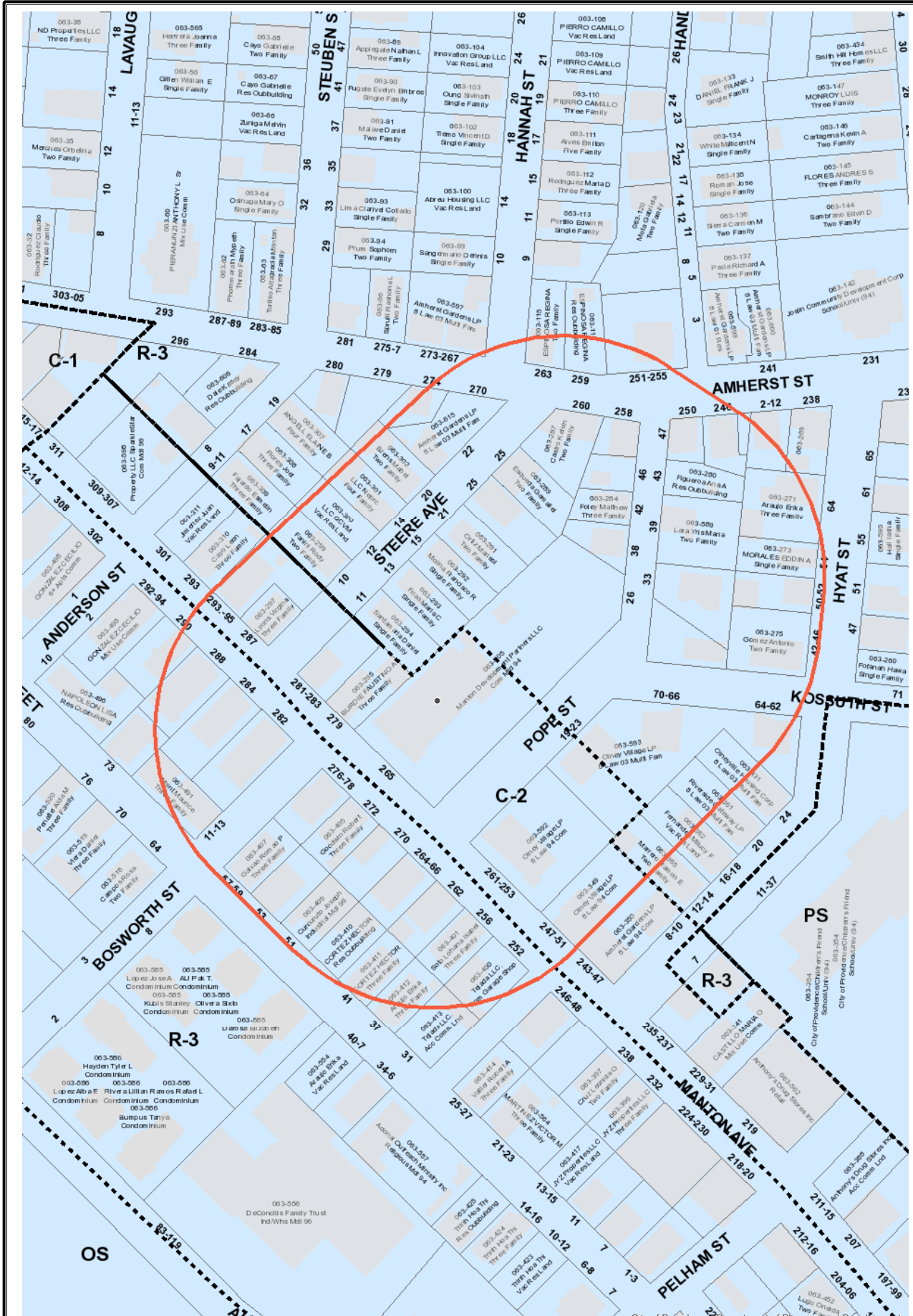
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2 EAST BUILDING ELEVATION

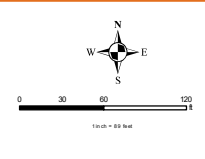
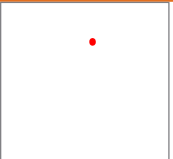







City of Providence, Department of Planning and Development

This is a preliminary map. It is not intended to be used for legal purposes. It is not a guarantee of accuracy. It is not a warranty. It is not a contract. It is not a representation. It is not a statement of fact. It is not a statement of opinion. It is not a statement of intent. It is not a statement of policy. It is not a statement of procedure. It is not a statement of result. It is not a statement of effect. It is not a statement of consequence. It is not a statement of liability. It is not a statement of responsibility. It is not a statement of accountability. It is not a statement of transparency. It is not a statement of integrity. It is not a statement of honesty. It is not a statement of truth. It is not a statement of justice. It is not a statement of equity. It is not a statement of fairness. It is not a statement of reason. It is not a statement of logic. It is not a statement of science. It is not a statement of art. It is not a statement of culture. It is not a statement of heritage. It is not a statement of identity. It is not a statement of pride. It is not a statement of honor. It is not a statement of respect. It is not a statement of dignity. It is not a statement of honor. It is not a statement of respect. It is not a statement of dignity. It is not a statement of honor. It is not a statement of respect. It is not a statement of dignity.

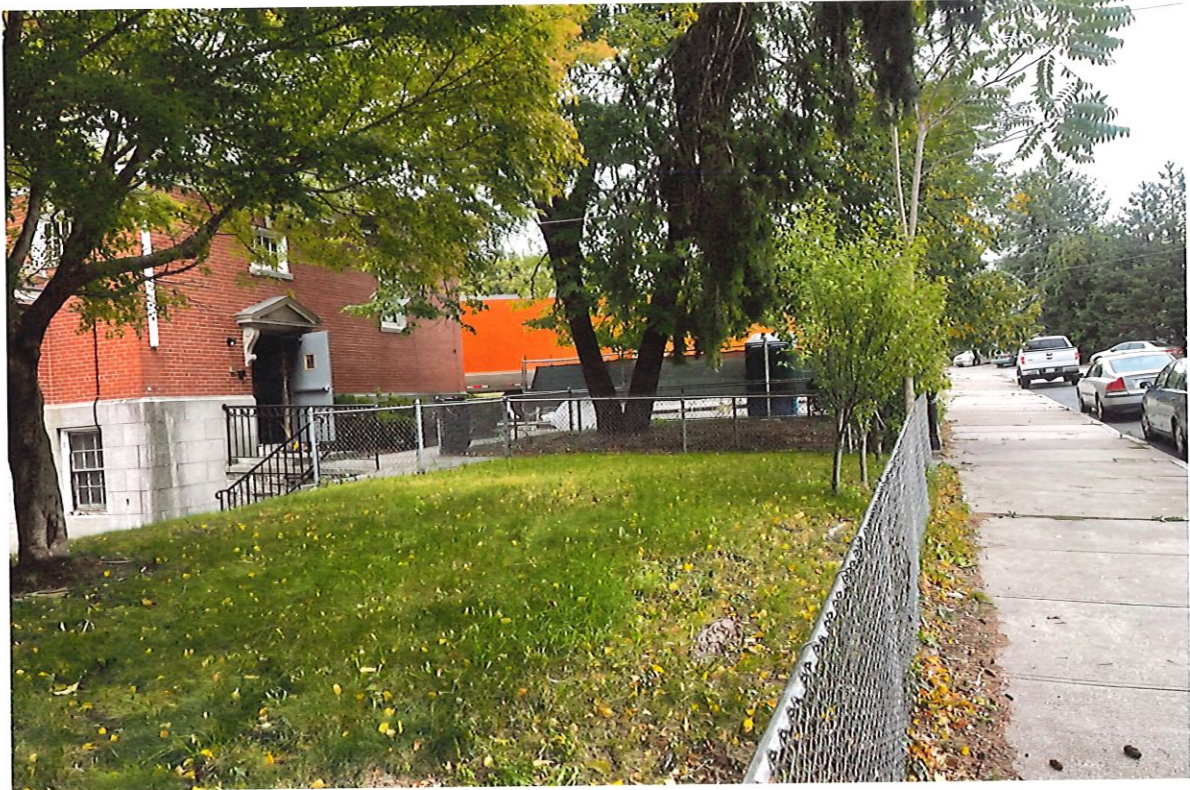



 PROVIDENCE, RHODE ISLAND  
 PROVIDENCE THE CREATIVE CAPITAL  
 DEPARTMENT OF PLANNING AND DEVELOPMENT  
 JORGE O. ELIZAGA, MAYOR | BONNIE NICHOLSON, DIRECTOR









Jorge O. Elorza  
Mayor

FILED

Marc Greenfield  
Chair



2019 NOV -6 P 2:48

CITY CLERK  
PROVIDENCE, R.I.

## Zoning Board of Review

### RESOLUTION NO. 2019-30

November 1, 2019

IN RE: Application for Dimensional Variances  
(Accessory Solar Energy System –Corner Side Yard, Height;  
Residential Zone Dimensional Standards – Max. Building Coverage,  
Max. Total Impervious Coverage)

PROPERTY: Tax Assessor’s Plat 63, Lots 346, 367, 368 & 369  
265 Manton Avenue and 18-26 Pope Street

APPLICANT: PSS Development, LLC  
PO Box 1046  
Brookline, MA 02446

OWNER: Providence Redevelopment Authority  
444 Westminster Street  
Providence, RI 02903

COUNSEL: Marc Gertsacov, Esq.  
144 Medway Street  
Providence, RI 02906

On October 16, 2019, 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 (the “Applicants”) for dimensional variances for 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 non-voting alternates.



WHEREAS, the Applicants sought relief from the following Articles of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance") for an Accessory Solar Energy System ("ASES"):

- Article 4, Table 4-1 for maximum lot coverage of 45%, and total impervious coverage of 65% in the R-3 zoning district
- Article 13, Sections 1302.A.6 (maximum height of 20 feet and two stories)
- Article 13, Section 1302.Q.3.a. (freestanding system permitted only in interior side and rear yard)
- Article 1302.Q.3.b. for ASES (maximum height of eight feet for freestanding system in residential zone); 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 Marc Gertsacov presented the application and the testimony of Mr. Paul Marks and Mr. Ofer Zaarur, Applicants; and

WHEREAS, Ms. Jennifer Hawkins and Mr. Stephen Kearns, of One Neighborhood Builders, which owns neighboring properties, voiced their objections to the application, including concerns that the solar energy system will become a principal use and not an accessory use because the principal use structure cannot reasonably be developed, and their reservations concerning the height of the parking panels, the vastness of the array, and its effects on the nature and fabric of the community; and

WHEREAS, the Board received, and the Chair read into the record, the October 16, 2019 recommendation of the Department of Planning and Development ("DPD") recommending the granting of the dimensional variance.

NOW, THEREFORE, after consideration of the application, the testimony, and all the evidence of record, the Board voted unanimously (5-0) to APPROVE the application for dimensional variance, and to impose a condition to the grant, as set forth below.

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

1. The Property:

a. Lot 364 (265 Manton Avenue) is located in a C-2 Zone and consists of 16,208 sq. ft. improved with a structure with a footprint of 6,990 sq. sf. with a legally permitted use as a church.

b. Lots 367, 368 and 369 (16-18 Pope Street) are located in an R-3 (Residential) Zoning District, and consist of vacant lots of approximately 5119, 4986

and 3914 sq. ft. respectively, with the exception that Lot 367 has an accessory structure (garage) with a footprint of 331 sq. ft.

c. The lots have been merged into a single lot of approximately 30,227 sq. ft. which occupies space in both the C-2 and R-3 zoning districts.

2. The Applicant intends to raze the accessory structure garage and renovate the principal use structure (church) for mixed uses, including mercantile, office and event space. The uses are allowed and do not require a variance or special use permit. The area occupied by the three adjacent lots in the R-3 zone are considered rear yard and will be used to provide accessory parking for the principal use.
3. The Applicant proposes to install a 25 KW Solar Photovoltaic Array on the south facing roof of the principal use structure, and to construct a solar canopy over the parking areas, consisting of a 175 KW Solar Photovoltaic Array.
4. The parking canopy located in the R-3 Zone requires dimensional relief for height, setback and area covered by the system. More specifically:
  - a. Section 1302.Q.3.a. provides that a freestanding ASES is permitted only in the interior side and rear yards. The parking lot areas extend into the corner side yard of the lot.
  - b. Section 1302.Q.3.b. provides that solar panels in an R-3 Zone are limited to eight feet in height. In addition, Section 1302A.6. limits the height of any detached accessory structure to 20 feet or two stories. The Applicants seek to install an ASES of 24 ft. height at the apex, with a pitch of 10%, ending in a height of 8 feet 6 inches at the edge.
  - c. Table 4-1 provides a maximum building coverage of 45% in a residential district. The Applicant proposes building coverage of approximately 71%, requiring relief for an additional 26%.
  - d. Table 4-1 allows a maximum impervious surface coverage of 65% in a residential district. The proposed impervious surface coverage is 80%, requiring relief for an additional 15% for maximum impervious surface coverage.
5. The Board finds that the relief sought is due to the unique characteristics of the subject property, including the size and configuration of the lot, with a main building located on a corner lot in the C-2 zone, and the other lots located in the R-3 zone. In addition, the building maintains a deep corner side setback, limiting the space that can be occupied by the ASES.
6. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicants.

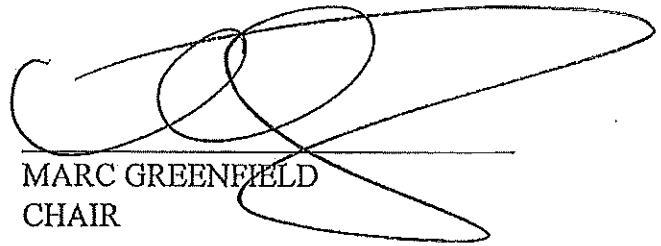


7. The hardship is not the result of any prior action of the Applicants, who obtained the Property in its current state and configuration.
8. The relief is not sought primarily from the desire of the Applicants to realize greater financial gain, but to create an ASES that meets the objectives of the project.
9. The Board further 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 Board agrees with the report and recommendation of the DPD, and notes the objectives of the comprehensive plan with respect to encouraging alternate forms of energy to promote sustainability.
10. The evidence demonstrates that the relief sought is the least relief necessary. The Applicant credibly testified that the minimum height required at the entry of the structure for emergency vehicles is 8 ft., 6 inches, and that the ASES must have a slope sufficient to allow for shedding of snow and ice and optimal solar access. In addition, the increased lot coverage and impervious surface are required due to the size of the panels and the need to offset energy usage by spreading the solar panels across the parking lot.
11. For the same reasons set forth in paragraph 10, the Board concludes that the hardship suffered by the Applicants if the dimensional variances are not granted, will amount to more than a mere inconvenience.
12. The Board recognizes and shares the concerns of the objectors that the proposed ASES should remain an accessory use and should not become a principal use. The Board therefore imposes the condition set forth below.

WHEREFORE, upon motion by Mr. Wolf, seconded by Ms. Maniotes, the Board hereby unanimously APPROVES (by a vote of 5-0) the application for dimensional variances. Upon motion by Mr. Wolf, seconded by Ms. Rodriguez, the Board hereby unanimously APPROVES (by a vote of 5-0) the motion to impose the following condition on the grant:

**The Applicant has not received a Certificate of Occupancy for the principal use on the development site by October 2022, the Applicant shall return to the Board to demonstrate that the principal use structure has been sufficiently developed such that Accessory Solar Energy System (SES) for which dimensional variances have been granted remains an accessory use, and is not a principal use.**

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.

MOTION TO APPROVE THE DIMENSIONAL VARIANCES MADE BY: Wolf

SECONDED BY: Maniotes

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

MEMBERS VOTING AGAINST THE MOTION: None

MOTION TO APPROVE THE MOTION TO IMPOSE A CONDITION ON THE GRANT MADE BY: Wolf

SECONDED BY: Rodriguez

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

MEMBERS VOTING AGAINST THE MOTION: None



# RECOMMENDATION TO THE ZONING BOARD OF REVIEW

OCTOBER 16, 2019

*Application Type*

Dimensional Variance

*Neighborhood*

Manton

*Applicant*

PSS Development LLC, Applicant  
Providence Redevelopment Agency, Owner

*Parcel*

AP 63 Lots 346, 367 and 368

*Address*

18-26 Pope Street and 265 Manton Ave

*Parcel Size*

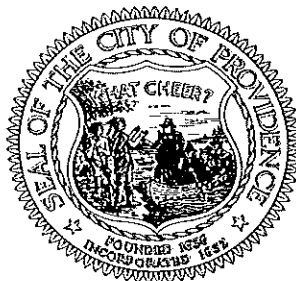
± 30,227 SF (total)

*Zoning District*

Lot 364 C-2; Lots 367, 368 and 369 R-3

*Variance Requested*

1. Accessory solar system in corner side yard
2. Solar energy system height
3. Maximum building coverage
4. Maximum impervious surface coverage



Updated: October 15, 2019

## 18-26 POPE AND 265 MANTON



Location Map



A view of the site from Pope Street

### SUMMARY

#### Project Description

The applicant is seeking relief from Section 1302.Q.3.a. to locate an accessory solar energy system within a corner side yard; Section 1302.Q.3.b. for height of an accessory solar energy system in excess of 8 feet; Section 1302.A.6. for height of an accessory structure in excess of 20 feet; and Table 4-1 for building coverage in excess of 45%, and total impervious coverage in excess of 65%, for the lot area in the R-3 residential district.

#### Discussion

The subject property is composed of four lots that have been merged. The church building located at 265 Manton Ave is located in the C-2 zone and does not require relief for its proposed redevelopment. Upon merging, the area occupied by the three adjacent lots in the R-3 zone will be considered the rear yard which will be used to provide parking and accommodate an accessory Solar Energy System (SES). The parking area will be covered by a canopy composed of solar energy panels, which requires dimensional relief for height, setback and the area covered by the system in the R-3 zone.

It appears that the relief requested is due to the unique layout of the development, where the main building is located on a corner lot in the C-2 zone and the other lots are zoned R-3. The ordinance

requires that accessory SES only be located in the rear and interior side yard. The church building's siting maintains a deep corner side setback off Pope Street. Therefore, the space that can be occupied by the SES is limited.

The height of a SES is limited to eight feet but a height of 24 feet is proposed. Per the applicant, the additional height is necessary to provide clearance for vehicles and be positioned in a manner that allows the panels to incline at an angle that will allow for shedding of snow and ice and provide optimal solar access.

The solar canopy will almost cover the entirety of the parking lot, exceeding the limit of coverage for building area and total impervious surface. This is due to the size of the panels and the need to offset energy usage for the building by spreading the solar panels across the parking area.

Objective SE-3 and goal 2 of chapter 4 of the comprehensive plan, encourage the adoption and use of alternate forms of energy, especially on historic and city owned buildings, as a means of promoting sustainability. The proposed installation would achieve these objectives. As discussed, the requested relief is necessary due to the unique characteristics of the property and the need to accommodate a sustainable energy source encouraged by the comprehensive plan.

**Recommendation**

Based on the foregoing discussion, the DPD recommends that the requested relief be granted.