

MAY 05 2023

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought:

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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: Wilber Peña
E-mail Wilber_p15@hotmail.com
Phone _____
Home/Office

Address 265 Union Ave.
Zip Code 02909
(646) 384-1390
Mobile (Cell)

Owner: Wilber Pena
E-mail _____
Phone _____
Home/Office

Address 265 Union Ave.
Zip Code 02909

Mobile (Cell)

Lessee: _____
E-mail _____
Phone: _____
Home/Office

Address _____
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 Union Ave. Providence, RI 02909
Street Address
2. Zoning District(s): R3
Special purpose or overlay district(s): _____
- 3a. Date owner purchased the Property: 01/27/2021
- 3b. Month/year of lessee's occupancy: _____

3. Dimensions of each lot:

Lot #	104	Frontage	40' (feet)	depth	60' (feet)	Total area	2,400	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	1,250 SF	Height	35 +/-	Floors	3

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

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

6a. Existing Lot coverage: (include all buildings, decks, etc.) 48% _____

6b. Proposed Lot coverage: (include new construction) _____

7a. Present Use of Property (each lot/structure):
VITAMENT & SUPPLEMENT _____

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

8. Proposed Use of Property (each lot/structure):
BARBER SHOP & DWELING UNIT _____

9. Number of Current Parking Spaces: 2 _____

10. Describe the proposed construction or alterations (each lot/structure):
Minor renovations to waiting area including painting of interior walls, flooring updates and installation of 6ft privacy walls. _____

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:
1201 Neighborhood Commercial Establishment
Table 12-1 Special use permit
2000 D Relationship to Variances and Special Use Permits (Barber shop & hair salon sq

13. Explain the changes proposed for the Property.

The existing commercial unit's usage will change from a Herbalife (Retail Goods Establishment) to a Barbershop and Hair Salon(Personal Service Establishment).

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.

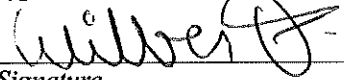
The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal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

Owner(s):

Applicant(s):

Wilber Pena

Type Name


Signature

Type Name

Signature

Type Name

Signature

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?

The building was purchased as a mixed used property, with an existing commercial unit. Converting the commercial unit to a conforming usage (residential unit) would cause undo financial hardship.

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

In accordance with RI General Laws § 45-24-41(c), the structure at 265 Union Ave. was built in 1900 with a unique characteristic and not to the general characteristics of the surrounding area.

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

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

(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 X

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 X No ___

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

June 2022- minor interior alterations
October 2022- Neighborhood Commercial Establishment opened

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 property was purchased as an existing mixed used building. The applicant specifically made this purchase as it enabled him to both live and work on the premises with a goal of contributing to the neighborhood.

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).**

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 as the build was purchased with the intent of being a mixed use property, where the owner could live and work.

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.**

The unit in question was constructed as a commerical unit, without a kitchen, residential bathroom and bedrooms. In order to conform to the zoning district significant alteration would be necessary, which is not financially feasible to the applicant. Complying with zoning will mean the unit would be unusable and would remain vacant.


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.**

N/A

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 1202 - T Neighborhood Commerical establishments Article 20 2001

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property.
The property is currently and has historically been a mixed-use building with one commercial unit and two residential dwelling units. A similar personal service business has previously occupied the premises. 

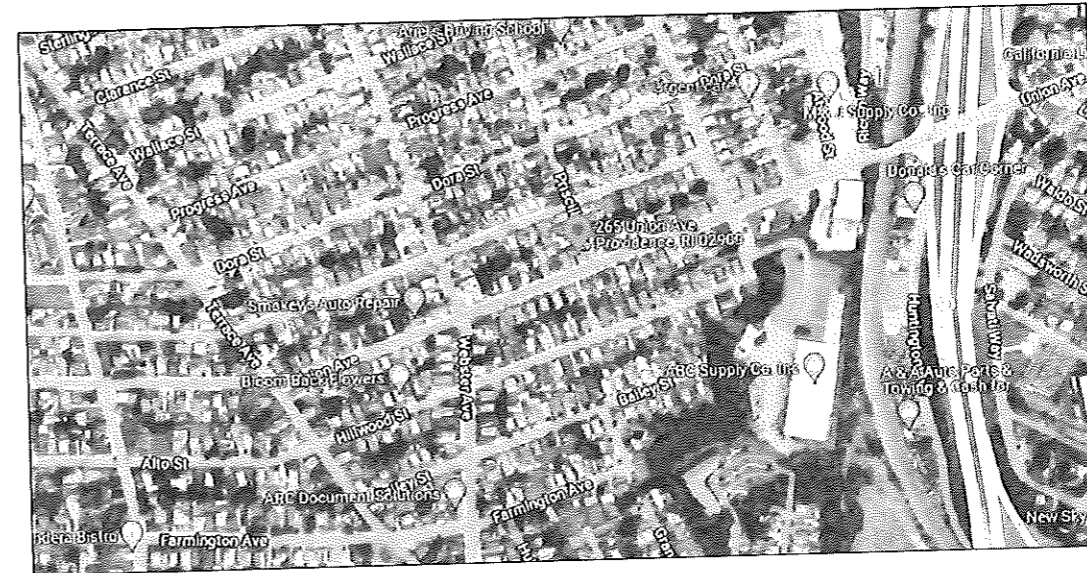
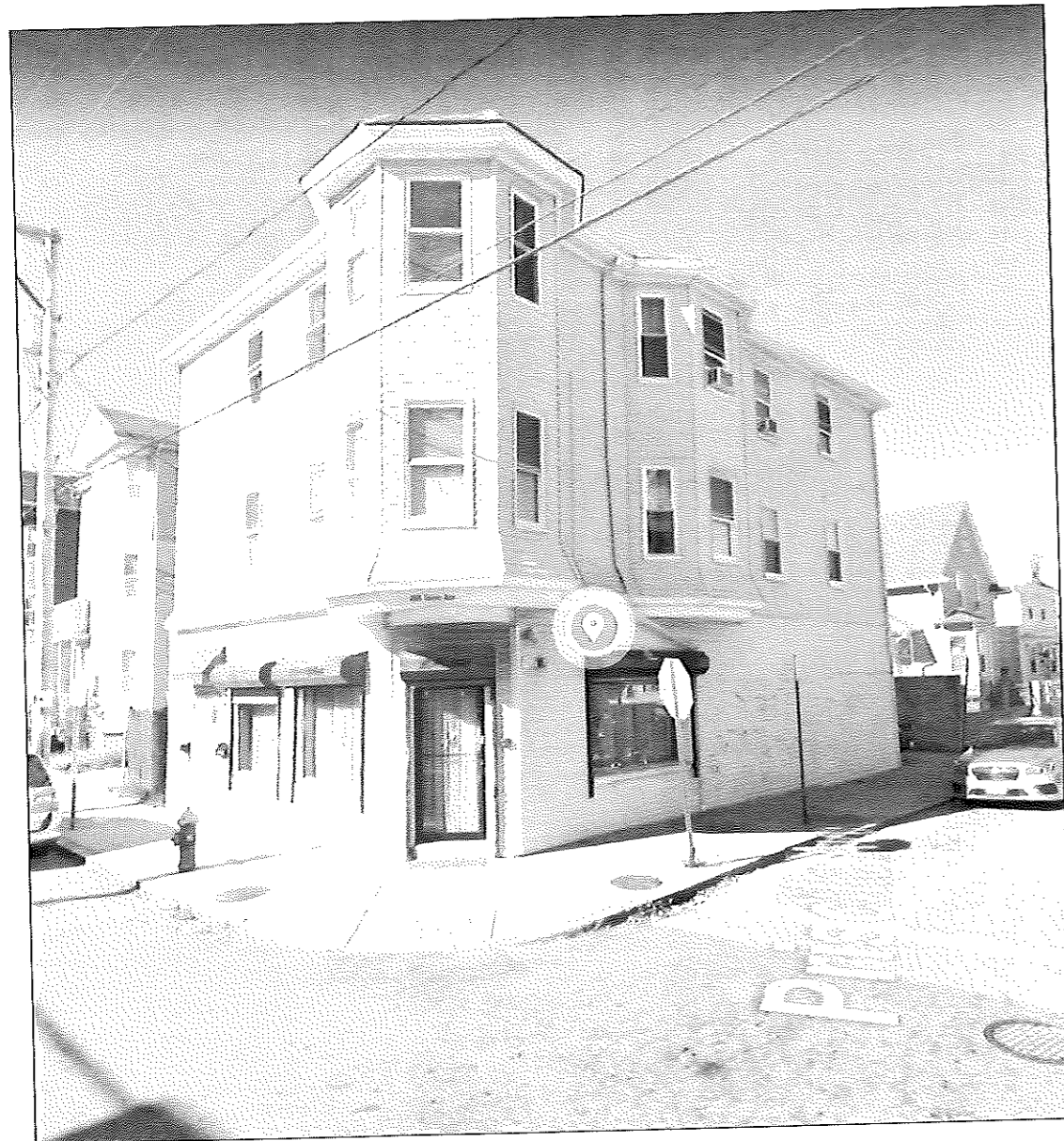
3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.
The property is currently and has historically been a mixed-use building with one commercial unit and two residential dwelling units. A similar personal service business has previously occupied the premises.

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 property is currently and has historically been a mixed-use building with one commercial unit and two residential dwelling units. A similar personal service business has previously occupied the premises.

**IF THE APPLICANT IS AN EDUCATIONAL OR HEALTH CARE INSTITUTION,
COMPLETE PAGES 10 AND 11 BELOW**

CHANGE OF USE VITAMIN & SUPPLEMENTS INTO BARBERSHOP SERVICE

265 UNION AVE. PROVIDENCE, RI 02909



ZONING MAP
NOT TO SCALE

LIST OF DRAWINGS

- 1 TITLE SHEET
- 2 RADIUS PLAN
- 3 PLOT & EXISTING FLOOR PLAN
- 4 ELEVATION PHOTO

ZONING INFORMATION

PARCEL ID: 85/ 285/ 1
LIVING UNITS: 30'-0"±
HEIGHT: MIX USE COMMERCIAL
OCCUPANCY: 3
No. STORIES: 3

FINISH SCHEDULE

FINISH SCHEDULE						
ROOM #	ROOM NAME	FLOOR	BASE	WALLS	CEILING	CEILING HEIGHT
101	FRONT STAIR	A	G	K	K	9'.00"
102	STYLING ROOM	A	G	K	K	9'.00"
103	BARBERSHOP	E	G	K	K	9'.00"
104	RESTROOM	C	G	K	K	8'.00"
105	STORAGE	A	G	K	K	9'.00"
106	REAR STAIR	A	G	K	K	9'.00"

HEADER & EXHAUST LEGEND

LEGEND	
	100 CFM MIN. EXHAUST FAN VENTED OUTSIDE

WALL TYPE

WALL	DESCRIPTION
	EXISTING EXTERIOR WALL VINYL SIDING OUTSIDE W/ ONE LAYER OF GYPSUM BOARD TAPED & PAINTED INSIDE TO REMAIN (TYP.)
	EXISTING INTERIOR WALL 2"x4" WOOD STUD ONE LAYER OF GYPSUM BOARD TAPED & PAINTED

DOOR SCHEDULE

DOOR SCHEDULE			
DOOR #	LOCATION	TYPE	NOTE
			ALL DOORS ARE EXISTING

FIRE ALARM LEGEND

FIRE ALARM LEGENDS		
SYM.	DEVICES	NOTES
	HEAT DETECTOR	
	WATER SUPPLY	
	EMERGENCY EXIT & LIGHTING DEVICE	
	EMERGENCY LIGHTING DEVICE (DOUBLE)	
	EMERGENCY LIGHTING DEVICE (SINGLE)	
	PULL STATION OR FIRE ALARM SWITCH	5' MAXIMUM FROM DOOR
	HORN ONLY	
	STROBE ONLY	
	HORN / STROBE COMBINATION	
	HORN / STROBE COMBINATION	WEATHERPROOF
	FIRE ALARM MASTER BOX	
	FIRE ALARM CONTROL PANEL	
	FIRE EXTINGUISHER	
	KNOX BOX	

MATERIAL

MATERIALS	
A- VCT COMMERCIAL TILES	G- 4" VINYL COVE BASE
B- 5/4"x6" P.T. DECKING	H- EXISTING STONE & BRICK W/ TWO COATS OF CEMENT PLASTER
C- CERAMIC TILES	J- VINYL SIDING & 2"x2" GUARDRAILS (WOOD)
D- VINYL SHEET	K- GYPSUM WALL BOARD TAPED & PAINTED
E- 3/4" HARDWOOD FLOORING	M- EXISTING FLOOR JOIST
F- 3-1/4" COLONIAL BASE	N- VINYL SOFFIT

NARRATIVE

EXISTING MIX USE COMMERCIAL BUILDING. FIRST FLOOR VITAMIN & SUPPLEMENT CHANGE OF USE INTO BARBERSHOP.
SCOPE OF WORK CONSIST OF:
WAITING AREA ACCOMMODATION, PAINTED INTERIOR WALLS, FLOOR RENOVATION, FIRE ALARM SYSTEM IS ALREADY UPDATED.

BARBERSHOP SERVICE

265 UNION AVE
PROVIDENCE, RI.
02909

OWNERS / CLIENTS
WILBER PENA
265 UNION AVE.
PROVIDENCE, RI 02909

WILBER PENA
TEL. (646) 384-1390
Wilber_p15@hotmail.com

PLAT: 104
LOT: 701
ZONING: R-3
LEGAL USE: MIX USE
PROP. USE: MIX USE

DRAWING BY:
J&A G Construction

EMAIL:
ja.generalinsulation@gmail.com
TEL. (857) 243-4150

GENERAL NOTE:
DO NOT MEASURE THESE DRAWINGS UNLESS OTHERWISE SPECIFIED.
USE ANNOTATED DIMENSIONS ONLY.
VERIFY ALL DIMENSIONS IN FIELD (I.F.).
IN CASE OF VARIANCES OR DISCREPANCIES NOTIFY DESIGNER FOR RESOLUTION PRIOR TO COMMENCEMENT OF THE WORK.

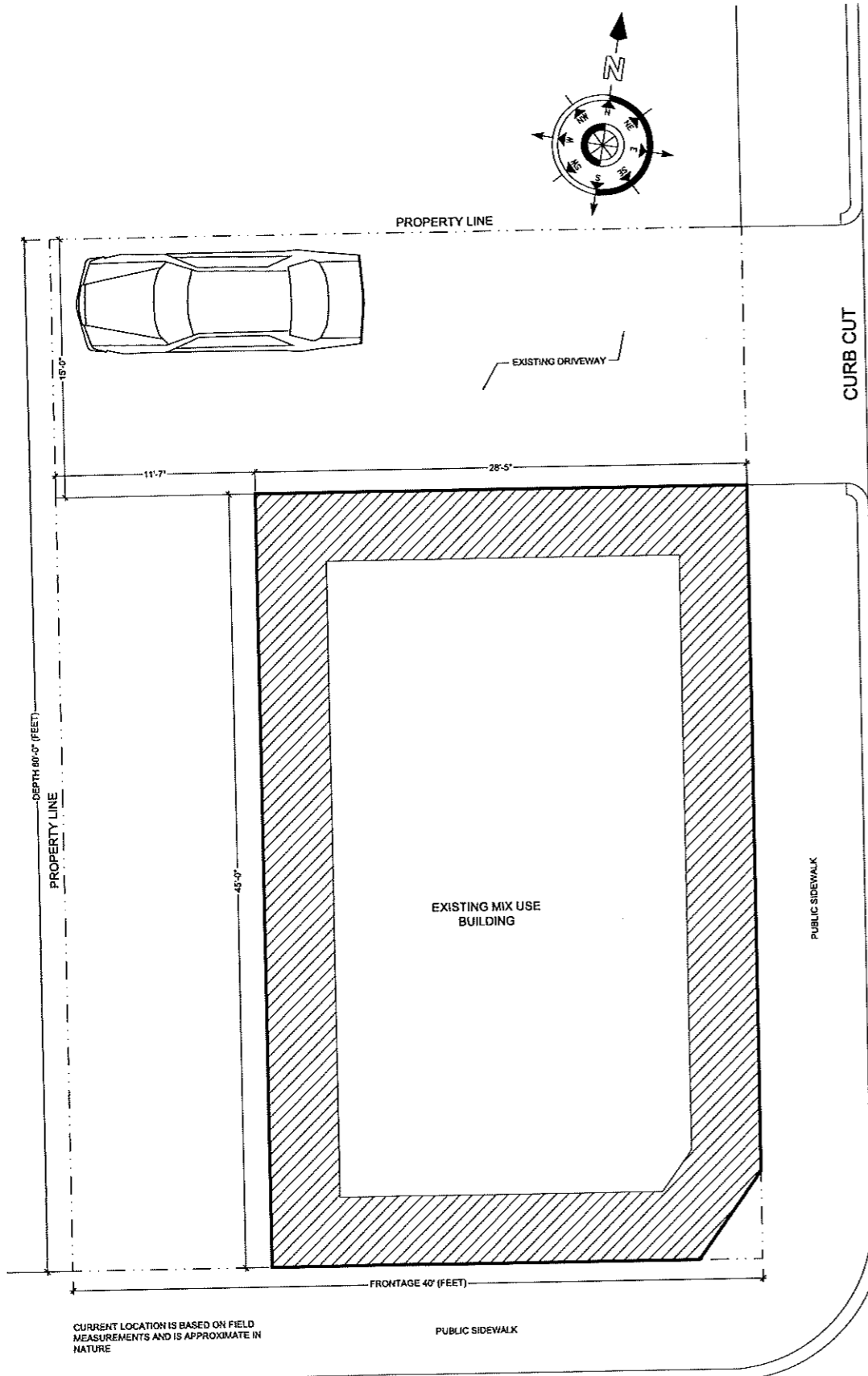
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PROJECT No.: DATE: APRIL 24, 23

TITLE SHEET

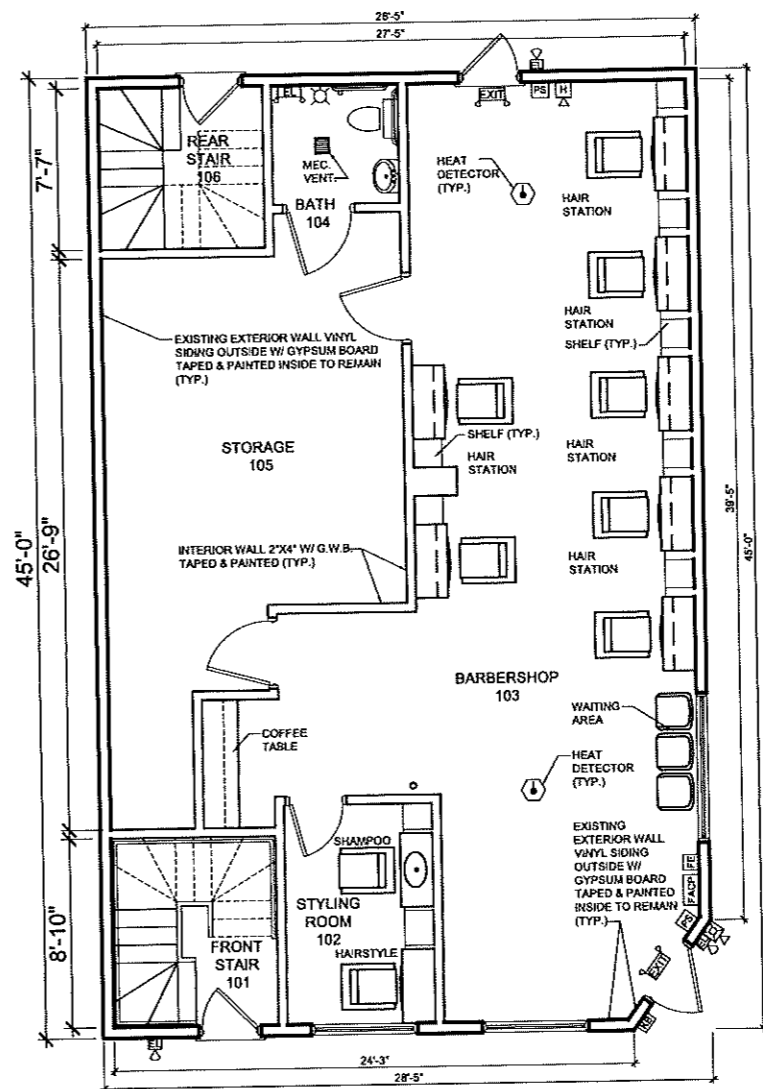
SHEET No.
1 of 4



PLOT PLAN
SCALE: 1/4" = 1'-0"

PRISCILA AVE.

UNION AVE



EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"

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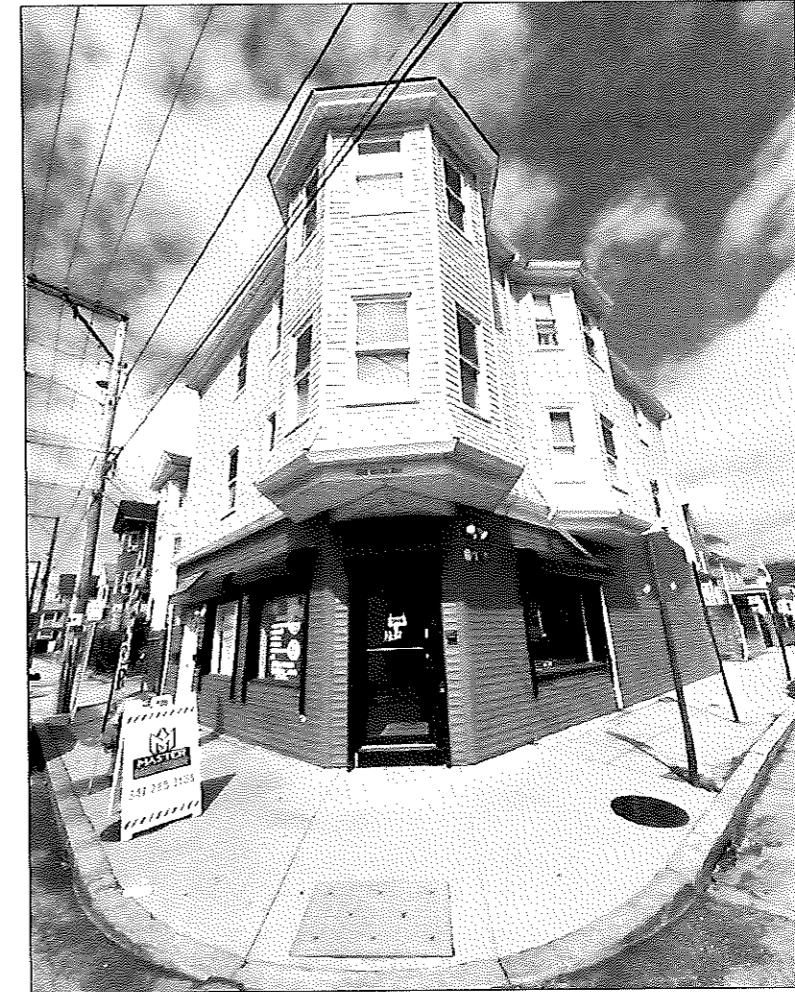
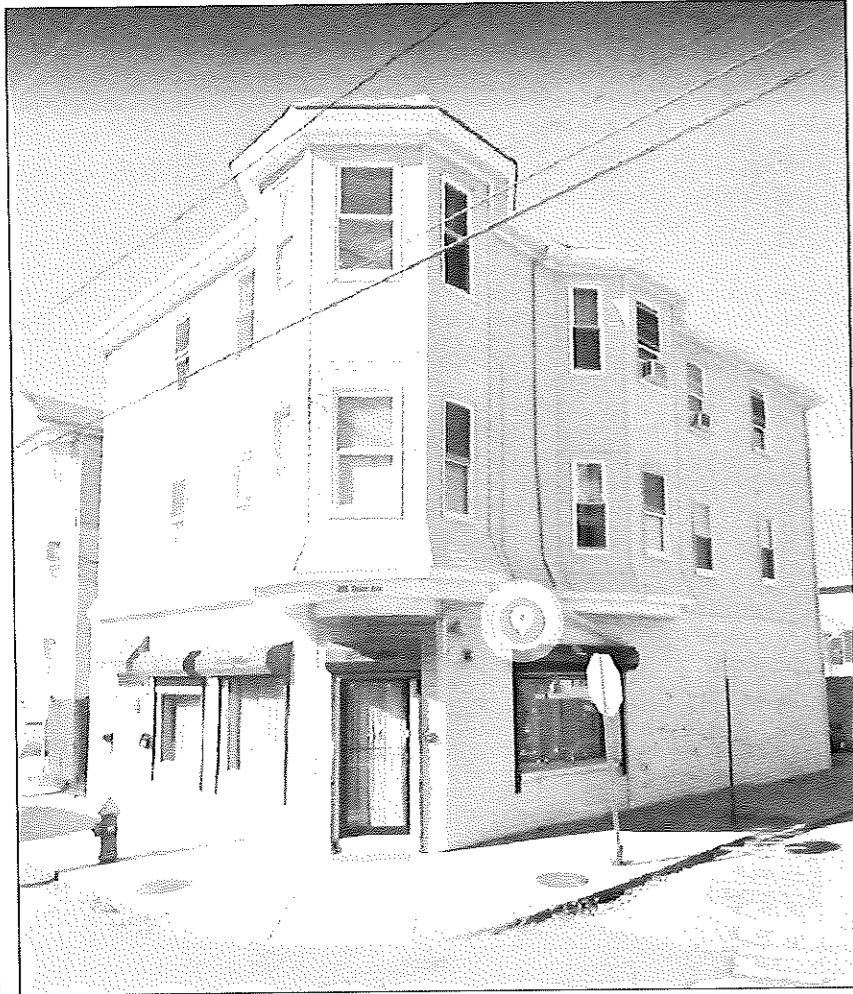
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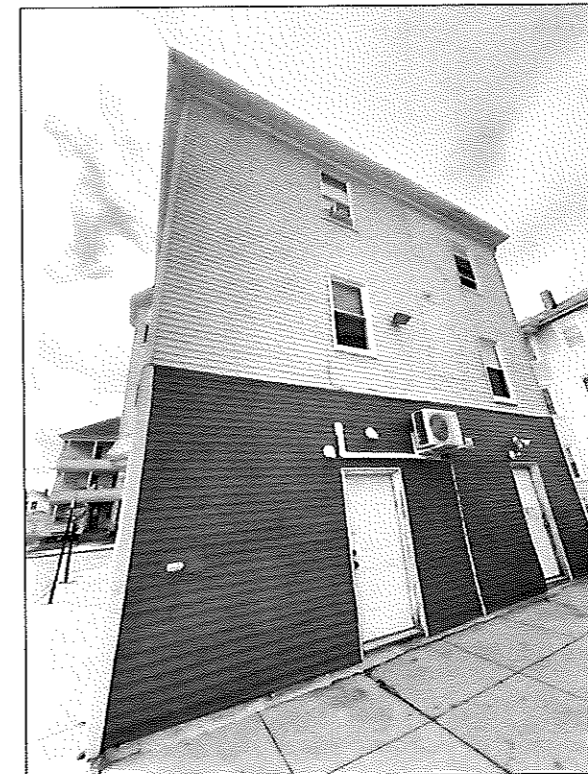
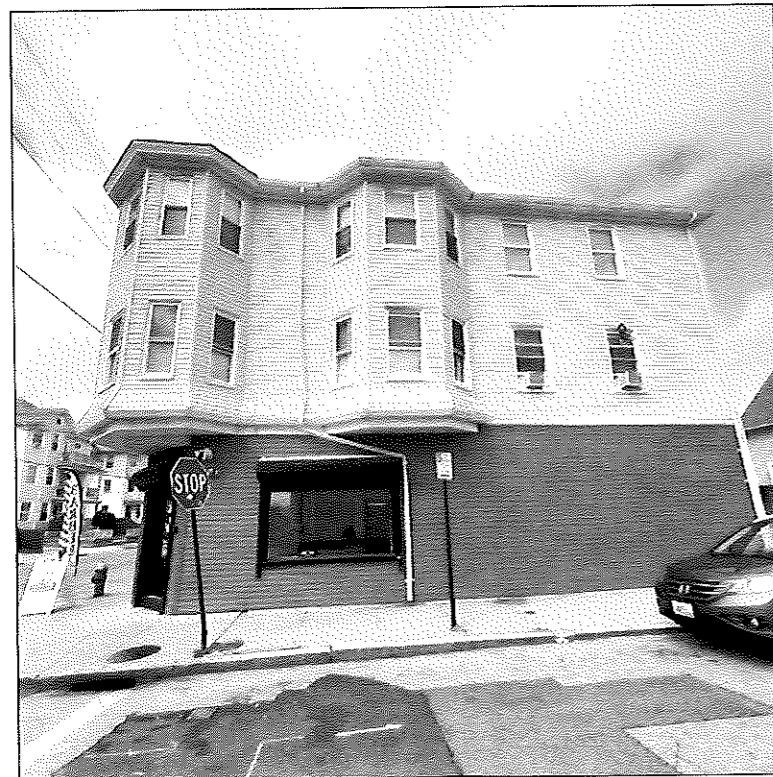
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SHEET NAME:
PLOT & EXISTING FLOOR PLAN

SHEET No.
3 of 4



ELEVATION PHOTO



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NO.	DATE	DESCRIPTION

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SHEET NAME:
ELEVATION PHOTO

SHEET No.
4 of 4

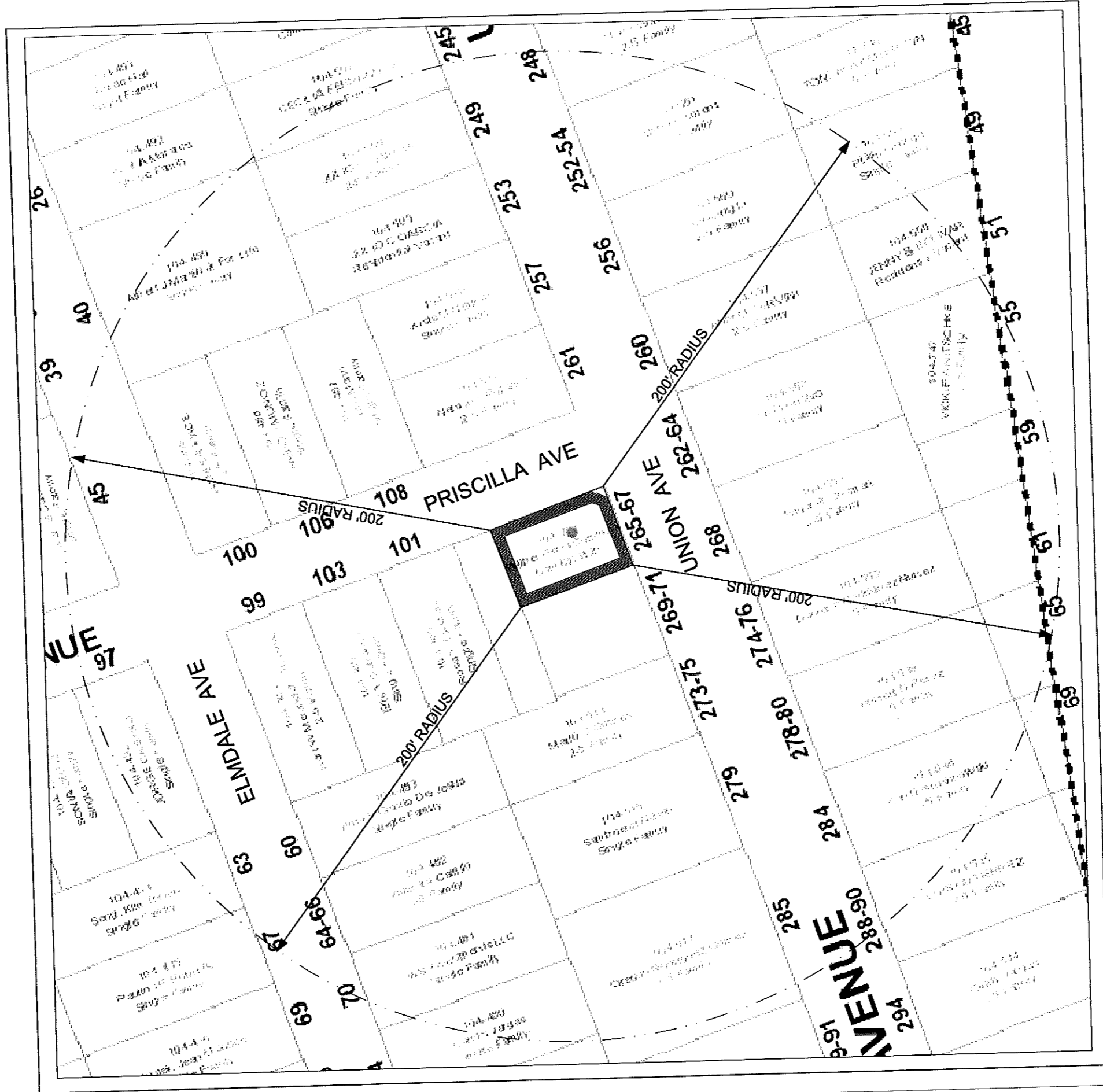
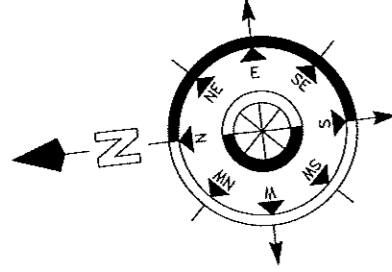
200 FT. RADIUS PLAN

265 UNION AVE.

PLAT: 104 LOT: 701

SCALE 1"= 50 APRIL, 2023

DRAWING BY : J&A G CONSTRUCTION



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RADIUS PLAN

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2 of 4