

JUL 14 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 checked="" type="checkbox"/>
<input 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: Gadib Construction and Landscaping

Address 50 Hall St, Providence, RI

E-mail Production.planner2021@gmail.com

Zip Code 02904

Phone 401-327-6507

401-327-6507

Home/Office

Mobile (Cell)

Owner: Gadib Construction and Landscaping

Address 50 Hall St, Providence, RI

E-mail production.planner2021@gmail.com

Zip Code 02904

Phone 401-327-6507

Home/Office

Mobile (Cell)

Lessee: _____

Address _____

E-mail _____

Zip Code _____

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:** 27 JUDITH STREET, AP 105 LOT 234

Street Address

R-3

2. **Zoning District(s):** _____

Special purpose or overlay district(s): _____

3a. **Date owner purchased the Property:** JUNE 2023

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

3. Dimensions of each lot:

Lot # 234	Frontage 42.10	depth 80'	Total area 3304	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 VACANT LOT	Height _____ Floors _____

Accessory Structure:	Total gross square footage 3600
Footprint 24'X50	Height 45' Floors 3

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

6a. Existing Lot coverage: (include all buildings, decks, etc.) 0%

6b. Proposed Lot coverage: (include new construction) 36.3%

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

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

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

9. Number of Current Parking Spaces: None

10. Describe the proposed construction or alterations (each lot/structure):
Construct a two family dwelling on this existing nonconforming lot.

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:

402	T4-1 Dimensional Standards Lot Area- 2F Existing Lots Req 3,500sf
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

A Two family dwelling is proposed on this existing nonconforming lot of 3304 sf. 3500 sf is required for a two family in th R-3 zone. The request relief is for a 196 sf shortage, or within 6% of the minimum lot area required for a two family.

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):

Fidelino Vargas

Type Name



Signature

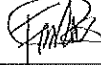
Type Name

Signature

Applicant(s):

Fidelino Vargas

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 unique shape of the lot.

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

The lot is uniquely shaped with a jog in the North Westerly Property line.

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 _____

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 x _____

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

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.**

Rather to primarily develop and use the property to provide much needed housing in the city and be consistent with the character of the neighborhood. Also, I would like to provide housing for my kids.

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).**

All alternatives have been exhausted. There can not be any additional land added to the property.

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.**

If denied the owner would suffer a hardship beyond a mere inconvenience by being denied the highest and best use for the property in the R-3 zone being only 196 sf short of the minimum lot area required to build a two family by right.

Maximum Lot Coverage Allowed = 45%
 Lot 234 Area = 3,304 Sq. Ft.
 Building Area = Sf.
 (3,304/100) = %

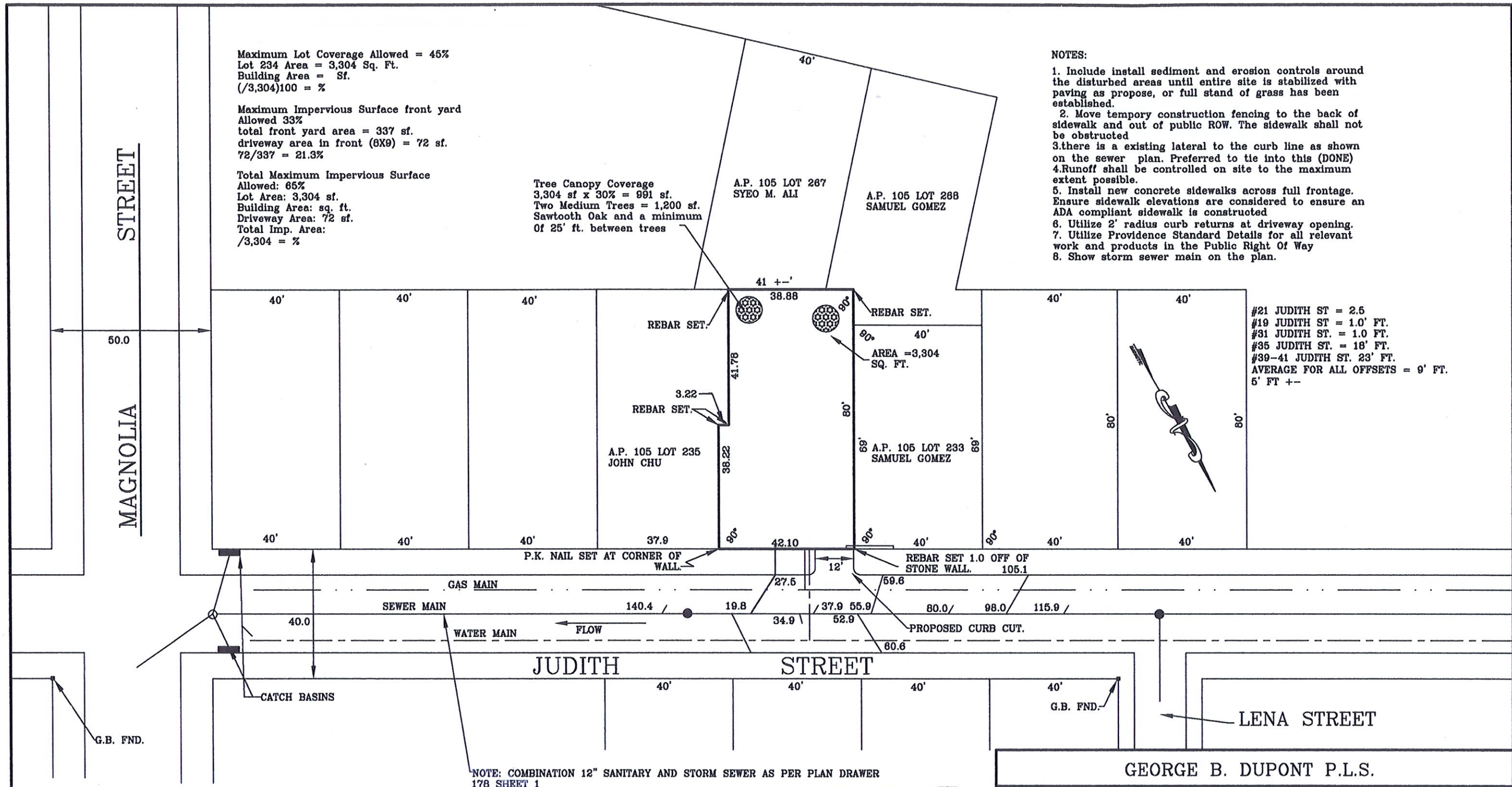
Maximum Impervious Surface front yard
 Allowed 33%
 total front yard area = 337 sf.
 driveway area in front (8X9) = 72 sf.
 72/337 = 21.3%

Total Maximum Impervious Surface
 Allowed: 65%
 Lot Area: 3,304 sf.
 Building Area: sq. ft.
 Driveway Area: 72 sf.
 Total Imp. Area:
 /3,304 = %

Tree Canopy Coverage
 3,304 sf x 30% = 991 sf.
 Two Medium Trees = 1,200 sf.
 Sawtooth Oak and a minimum
 of 25' ft. between trees

- NOTES:
1. Include install sediment and erosion controls around the disturbed areas until entire site is stabilized with paving as propose, or full stand of grass has been established.
 2. Move tempory construction fencing to the back of sidewalk and out of public ROW. The sidewalk shall not be obstructed
 3. there is a existing lateral to the curb line as shown on the sewer plan. Preferred to tie into this (DONE)
 4. Runoff shall be controlled on site to the maximum extent possible.
 5. Install new concrete sidewalks across full frontage. Ensure sidewalk elevations are considered to ensure an ADA compliant sidewalk is constructed
 6. Utilize 2' radius curb returns at driveway opening.
 7. Utilize Providence Standard Details for all relevant work and products in the Public Right Of Way
 8. Show storm sewer main on the plan.

- #21 JUDITH ST = 2.5
- #19 JUDITH ST = 1.0' FT.
- #31 JUDITH ST. = 1.0 FT.
- #35 JUDITH ST. = 18' FT.
- #39-41 JUDITH ST. 23' FT.
- AVERAGE FOR ALL OFFSETS = 9' FT.
- 5' FT +-



NOTE: COMBINATION 12" SANITARY AND STORM SEWER AS PER PLAN DRAWER
 178 SHEET 1

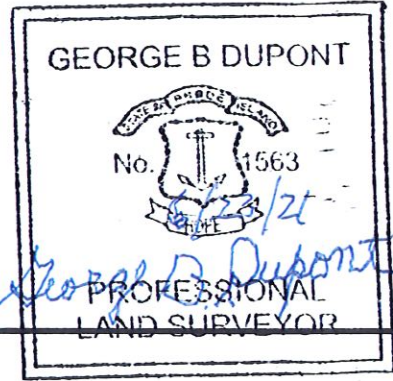
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON JANUARY 1, 2016, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: LIMITED CONTENT BOUNDARY SURVEY
 MEASUREMENT SPECIFICATION: 1

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS TO ESTABLISH THE PERIMETER OF THE BOUNDARY

George B. Dupont, P.L.S.

GEORGE B. DUPONT P.L.S. #1583 1050 MAIN STREET, EAST GREENWICH R.I. 02818 (401) 206-1275



GEORGE B. DUPONT P.L.S.				
SURVEY AND PLOT PLAN				
DRAWN BY STEPHEN WILDENHAIN	APPROVED BY	APPROVED DATE	DATE 08/23/21	SCALE 1' = 30' - 0"
27 JUDITH STREET PROVIDENCE, RI ASSESSORS PLAT 105 LOT 234		OWNER THOMAS CONLEY		
		EDITION 1	SHEET 1 OF 1	

200FT RADIUS PLAN

API 105 LOT 234 - 27 JUDITH ST

Note: All Parcel Within API 105 And Zoning R3



Scale 1"=50'



Jorge O. Elorza
Mayor

Marc Greenfield
Chair



Zoning Board of Review

RESOLUTION NO. 2021-16

June 9, 2021

IN RE: Application for Dimensional Variance
(Lot Area for a 2-family dwelling)

PROPERTY: Tax Assessor's Plat 105, Lot 234
27 Judith Street

OWNER/
APPLICANT: Dorr Associates LLC/Patrick Conley
1445 Wampanoag Trail, Suite 203
East Providence, RI 02915

DEPT. OF CITY CLERK
PROVIDENCE, R.I.
2021 JUN 10 A 8:31
FILED

On May 12, 2021, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing¹ on the request by the Owner and Applicant (the "Applicant") for a dimensional variance for the above-designated Property. The following members of the Board were present throughout the hearing: Chair Greenfield, Mr. Wolf, Ms. Maniotes, Ms. Rodriguez, and Mr. Strother. Mr. Scott and Mr. Mitchell sat as non-voting alternates.

WHEREAS, the Applicant sought relief from Article 4, Table 4-1 of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance"), to construct a 2-Family Dwelling on a lot with 3,304 sq. ft. where 3,500 sq. ft. are required in an R-3 zoning district; and

¹ The May 12, 2021 public meeting and hearing was conducted via the online platform "Zoom;" it was a virtual public hearing authorized by the Governor's Executive Order 20-05 dated March 16, 2020, as extended.

WHEREAS, prior to the hearing, the members of the Board individually made inspections of the Property and of the surrounding neighborhood; and

WHEREAS, Patrick Conley presented the application and the testimony of Mr. Peter Casale, land use and code consultant; and

WHEREAS, there were no written objections to the application; and the Board heard oral testimony from Attorney Richard Pacia on behalf of Mr. John Chu of 31 Judith Street, and from Mr. Chu himself, in opposition to the request based on concerns about storm water runoff from the subject property onto his property, and traffic on the narrow street; and

WHEREAS, the Board received, and the Chair read into the record, the May 12, 2021 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, upon motion by Mr. Wolf, seconded by Ms. Rodriguez, the Board voted (4-1) to APPROVE the application for a dimensional variance.

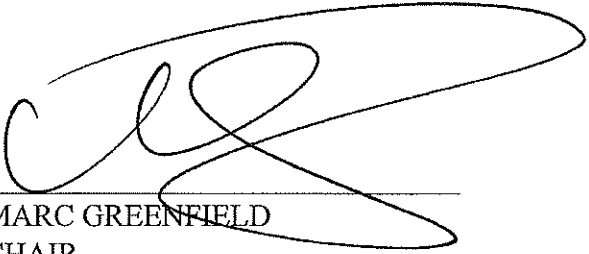
**THE BOARD HEREBY MAKES THE FOLLOWING
FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The Property is located in an R-3 Residential Zoning District and consists of a vacant lot of 3,304 sq. ft. The lot has a “jog” of approximately 3 feet, which reduces the width of the rear half of the lot.
2. Table 4-1 of the Ordinance requires 3,500 sq. feet of lot area in order to construct a 2-family dwelling in an R-3 zoning district. The lot area of 3,304 sq. ft. is within 10% of the lot area required to construct a 2-family dwelling.
3. Prior to applying for a dimensional variance, the Applicant requested an Administrative Modification pursuant to Ordinance Section 1903. The Zoning Official made a positive determination pursuant to Section 1903.C.2, which would allow the modification. Upon notice to abutters, the Zoning Official received an objection from an abutter, and was required to deny the application for an Administrative Modification. The Applicant therefore applied to this Board for a dimensional variance.
4. The Board finds that the relief sought is due to the unique characteristics of the subject Property, more specifically the unique layout of the lot, and the fact that the lot area is within the 10% Administrative Modification range (only 200 square feet short of the lot area required).
5. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicant.

6. The Board finds that the hardship is not the result of any prior action of the Applicant, who purchased the Property in its current state.
7. The relief is not sought primarily from the desire of the Applicant to realize greater financial gain, but rather to develop the Property in accordance with the zoning district designation, and a use permitted by right.
8. The Board agrees with, and incorporates, the findings and the recommendation of the DPD and likewise finds that granting the requested dimensional variance will not alter the general character of the surrounding area or impair the intent or purpose of the Ordinance or the Comprehensive Plan.
9. The substantial evidence demonstrates that the relief sought is the least relief necessary to relieve the hardship because the dimensional relief sought is minimal – less than 10% of the lot size required for a 2-family dwelling. The 2-family dwelling will otherwise be in full compliance with the Ordinance.
10. The Board concludes that the hardship suffered by the Applicant of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience, because it is minimal for a reasonable enjoyment of the permitted use of a 2-family dwelling permitted in an R-3 Zone, and the Applicant otherwise would not be able to build the 2-family dwelling.

WHEREFORE, upon motion by Mr. Wolf, seconded by Ms. Rodriguez, the Board voted (4-1) to APPROVE the application for a dimensional variance from the lot area requirements of the Ordinance. Mr. Strother voted against the motion.

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 VARIANCE MADE BY: Wolf

SECONDED BY: Rodriguez

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

MEMBERS VOTING AGAINST THE MOTION: Strother



