

APR 07 2021

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: DORR ASSOC LLC /PATRICK T. CONLEY, JD, PHD.

E-mail OFFICEPTCONLEY@GMAIL.COM
Phone 401.272.1776
Home/Office

Address 1445 WAMPANOAG TR SUITE 203 E. PROV, RI
Zip Code 02915

401.256.8094
Mobile (Cell)

Owner: DORR ASSOC LLC

E-mail OFFICEPTCONLEY@GMAIL.COM
Phone 401.272.1776
Home/Office

Address 1445 WAMPANOAG TR E.PROV, RI
Zip Code 02915

401.256.8094
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:** 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:** JANUARY 2021

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

3. Dimensions of each lot:

Lot # <u>234</u>	Frontage <u>42.10'</u>	depth <u>80'</u>	Total area <u>3304</u> sq. ft.
Lot # _____	Frontage _____	depth _____	Total area _____ sq. ft.
Lot # _____	Frontage _____	depth _____	Total area _____ sq. ft.

4. Size of each structure located on the Property:

Principal Structure:	Total gross square footage _____
Footprint <u>Vacant Lot</u>	Height _____ Floors _____
Accessory Structure:	Total gross square footage _____
Footprint _____	Height _____ Floors _____

5. Size of proposed structure(s):	Total gross square footage: <u>3600</u>
Footprint <u>24' x 50'</u>	Height <u>45'</u> Floors <u>3</u>

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:

<u>402</u>	<u>T4-1 RD-Dimensional Standards Lot Area-2F Existing Lots Req 3500sf</u>
_____	_____
_____	_____

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 the R-3 zone. The requested 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):

Patrick T. Conley, J.D., Ph.D.

Type Name

Signature

Type Name

Signature

Applicant(s):

Patrick T. Conley, J.D., Ph.D.

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.

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 area 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.

200FT RADIUS PLAN

AP105 LOT234-27 JUDITH ST

Note: All Parcel Within AP105 And Zoning R3



Scale 1"=50'



Edna [Signature]
3/2021





