

MAY 08 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: Sames, LLC

Address 22 Trinidad St., Providence, RI

Zip Code 02908

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: Atlas ATM Corp.

Address 1106 North Main St., Providence, RI

Zip Code 02904

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:** 28 Nashua Street, aka Assessor's Plat 1, Lot 41
Street Address

2. **Zoning District(s):** R-3
Special purpose or overlay district(s): _____

3a. **Date owner purchased the Property:** 9/23/2005

3b. **Month/year of lessee's occupancy:** 2012

3. Dimensions of each lot:

Lot # <u>41</u>	Frontage <u>80</u>	depth <u>90</u>	Total area <u>7200</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 _____	Height _____ Floors _____

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.) 0%

6b. Proposed Lot coverage: (include new construction) 0%

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

Parking lot

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

— Residential vacant

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

Parking lot

9. Number of Current Parking Spaces: 16

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

The applicant is requesting permission to maintain the property as a parking 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>1201</u>	<u>Table 12-1: Parking lot allowed by special use permit in the R-3 zoning district</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): Sames, LLC
Andrew Shabshelowitz as Trustee
of the Beatrice Porrazzo Living
Trust

Type Name

Signature

Type Name

Signature

Applicant(s): Sames, LLC
Andrew Shabshelowitz as Trustee of
the Beatrice Porrazzo Living Trust

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 B

APPLICATION(S) FOR SPECIAL USE PERMIT

1. Identify the section(s) of the Ordinance that provides for the special use permit.

See attached.

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property.

See attached.

3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.

See attached.

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.

See attached.

**IF THE APPLICANT IS AN EDUCATIONAL OR HEALTH CARE INSTITUTION,
COMPLETE PAGE 10 BELOW**

APPENDIX B
APPLICATION(S) FOR SPECIAL USE PERMIT

1. Identify the section(s) of the Ordinance that provides for the special use permit.

Section 1201, Table 12-1, the Use Matrix, provides that in the R-3 zone, a 'Parking Lot (Principal Use)' is permitted by special use permit.

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 owned by Sames, LLC ("Sames"), and leased to Atlas ATM Corp. ("Atlas"), a vendor of automated teller machines (ATMs). Atlas is located at 1106 North Main Street, also known as Plat 1, Lot 20 (the "Atlas Property"). The Atlas Property is also owned by Sames. The Atlas Property has no on-site parking and is improved with a building that dates back to the 1920s. At some point around 2012, Atlas converted the Property to a parking lot and began using it to park Atlas vehicles. It should be noted that the Atlas Property is used as an office/warehouse, and not a retail store. Atlas parks only its own vehicles on the Property. The Property has not been and is not proposed to be utilized as a commercial parking lot open to the general public.

In September 2022, Sames sold an adjacent lot located at 28 Cemetery Street, also known as Plat 1, Lot 53, to 28 Cemetery St, LLC. 28 Cemetery Street is located to the west of the Property. Soon after the sale, Mary Hastings, the CEO of 28 Cemetery St, LLC, became concerned because a retaining wall located between the Property and 28 Cemetery Street appeared to be collapsing. Ms. Hastings suspected that stormwater flow from the Property onto 28 Cemetery St. had caused the wall's collapse and asked the City to investigate the matter. When the City looked into this matter, it was discovered that the Property had been converted into a parking lot without the required special use permit. The City then issued a notice of violation to Sames.

When Sames became aware of Ms. Hastings' complaint, and after consulting legal counsel, it engaged the engineering firm of Woodard & Curran to determine whether the collapse of the wall at 28 Cemetery St. had anything to do with stormwater flow from the Property. Woodard & Curran investigated the issue and prepared a written report explaining its conclusion that the wall had collapsed due to groundhog tunneling and that stormwater flow from the Property had nothing to do with the collapse of the wall.

In sum: Atlas has utilized the Property as a parking lot for over a decade with no adverse effects on the surrounding area. The Property is on Nashua Street, which is one block west of and parallel to North Main Street. Other surface parking lots are located in the vicinity of the Property, including a large surface parking lot owned by Miriam Hospital. Moreover, the use of the Property as a surface parking lot has not substantially injured the use and enjoyment of neighboring properties, including 28 Cemetery Street, as determined by Woodard & Curran.

3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.

As explained above, several other surface parking lots are located in close proximity to the Property. The Property is located on the edge of the R-3 zone and immediately to the west of the neighboring C-2 commercial zone, which features a variety of commercial uses. Atlas has used the Property as a parking lot because it lacks the space to do so at its headquarters across the street. Its use of the Property as a parking lot has been reasonable and limited to its own business needs, not for commercial use as a lot open to the general public (for which demand would be extremely limited in this area).

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.

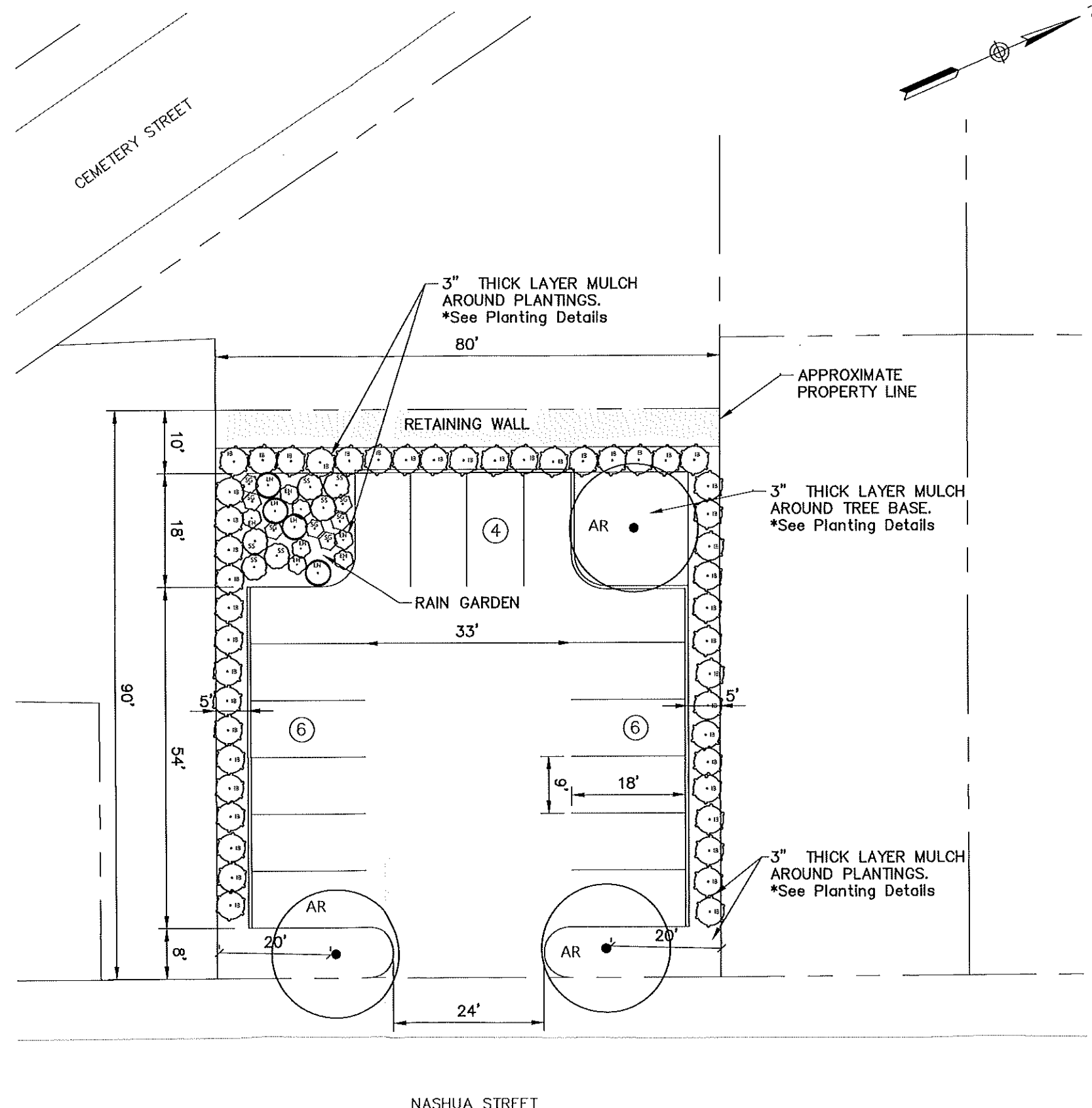
The use of the Property as a parking lot has not and will not adversely affect neighboring property owners or the community in any way, as its use has been limited to Atlas's reasonable business needs. Although the City's notice of violation was prompted by a complaint, Sames' engineers have determined that the Property's use as a parking lot and any associated stormwater flow is not what caused the collapse of the retaining wall at 28 Cemetery St.

PLANTING LIST

QTY	SYM	COMMON NAME	SIZE	NOTES
TREES				
3	AR	Red Maple	3' CAL	B&B
SHRUBS				
6	SS	Humming Bird SummerSweet	5 GAL	3' OC
47	IB	Inkberry Holly	5 GAL	3' OC
4	LH	Little Henry Sweet Spire	5 GAL	3' OC
GROUND COVER, FERNS, PERENNIALS				
6	EH	Eastern Hayscented Fern	2 QT	20" OC
7	SG	Heavy Metal Switch Grass	2 GAL	18" OC

IMPERVIOUS AREA CALCULATION

TOTAL LOT AREA = 7,200 SF
 REQUIRED PERVIOUS SURFACE = 1,800 SF (25%)
 PROVIDED PERVIOUS SURFACE = 2,093 SF (29%)



GENERAL NOTES:

1. THIS DRAWING IS FOR DEMONSTRATING COMPLIANCE WITH THE PROVIDENCE ZONING ORDINANCE, AND IS NOT FOR CONSTRUCTION
2. THE PLANTING LIST SHOWN IS CONCEPTUAL. ALL PLANT SPECIES WILL COMPLY WITH THE HEIGHT, TYPE, AND SPACING AS REQUIRED BY SECTION 1504C OF THE PROVIDENCE ZONING ORDINANCE.
3. THIS PLAN IS NOT INTENDED TO BE AN EXISTING CONDITIONS OR A BOUNDARY SURVEY. ALL PROPERTY LINE INFORMATION SHOWN IS TAKEN FROM EXISTING PLANS OF RECORD.



BAR SCALE
 1" = 20'
 CHECK GRAPHIC SCALE BEFORE USING



Woodard & Curran
 33 Broad Street Floor 7
 Providence, Rhode Island 02903
 800.985.7897 | www.woodardcurran.com

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PE SEAL:

NOT FOR CONSTRUCTION

CLIENT INFO:

SAMES, LLC
 28 NASHUA STREET
 PROVIDENCE, RI
 PARKING LOT DESIGN

JOB NO:	235063
DATE:	MAY 2023
SCALE:	AS NOTED
DESIGNED BY:	JG
DRAWN BY:	ZS
CHECKED BY:	JG
FILENAME:	235063-PARKING LOT LAYO

DRAWING TITLE:
**CIVIL
 PARKING LOT LAYOUT**

DRAWING NO:
C-100
 SHEET: 1 OF 1

\\woodardcurran.net\shared\projects\0235063.00 sames llc sames parking lot\wip\drawings\235063-parking lot layout



Picture from the front of the parcel – Taken on May 5, 2023



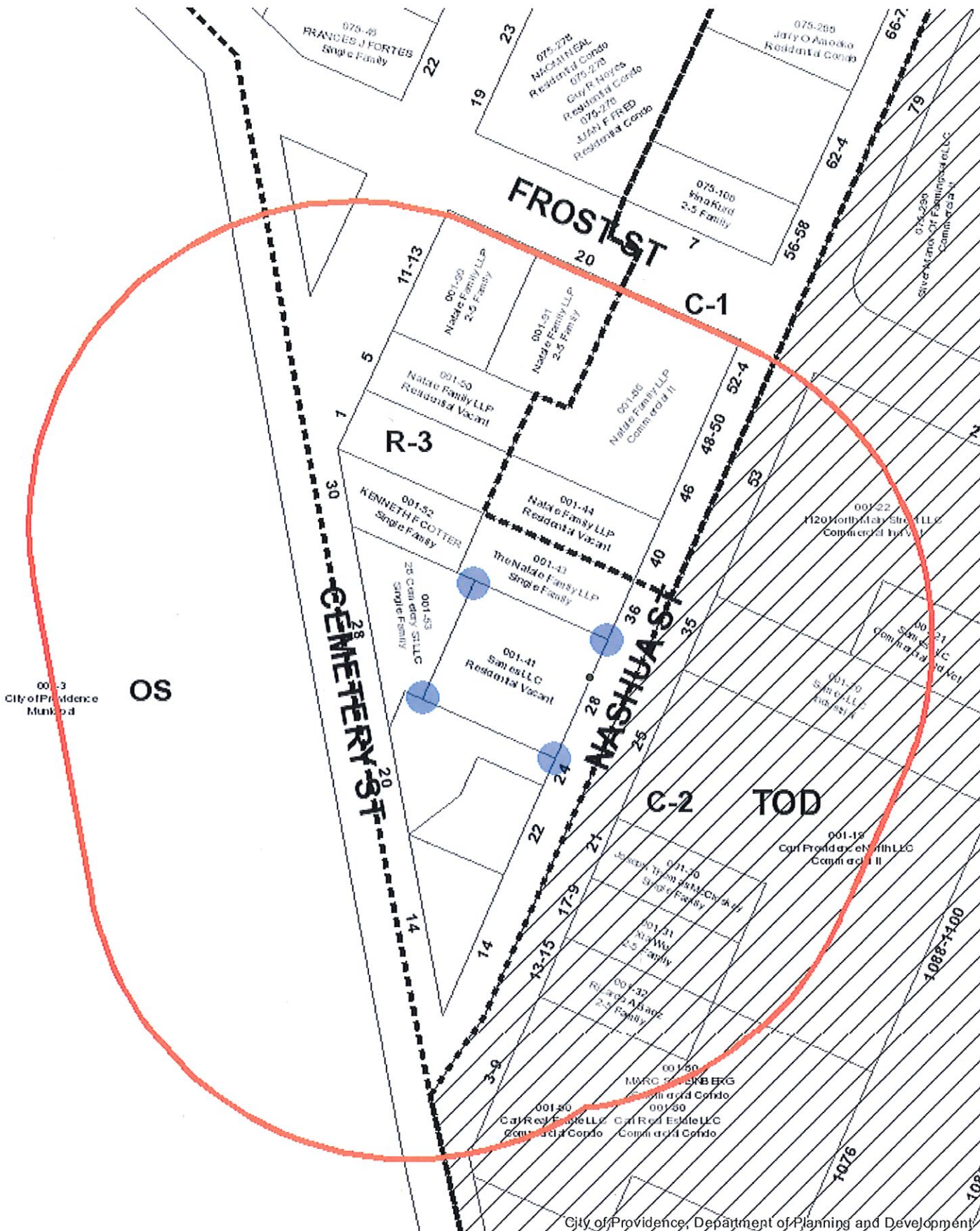
Picture from the right of the parcel – Taken on May 5, 2023



Picture from the left of the parcel – Taken on May 5, 2023

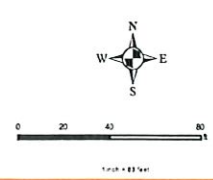
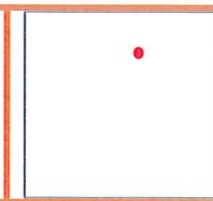


Picture from the rear of the parcel – Taken on May 5, 2023



City of Providence, Department of Planning and Development

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P PROVIDENCE, RHODE ISLAND

PROVIDENCE THE CREATIVE CAPITAL
 DEPARTMENT OF PLANNING AND DEVELOPMENT
 JORGE O. ELORZA, MAYOR | BONNIE NICHOLSON AICP, DIRECTOR