

MAY 18 2021

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: RAICOR INC C/O DYLAN CONLEY
E-mail DCONLEY@WJCLAW.COM
Phone 401.415.9835
Home/Office

Address 123 DYER ST. PROVIDENCE, RI
Zip Code 02903
401.323.7873
Mobile (Cell)

Owner: RAICOR INC
E-mail PATINO58@GMAIL.COM
Phone 401.243.4972
Home/Office

Address PO BOX 72784 PROVIDENCE, RI
Zip Code 02907
401.243.4972
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:** 29 HAWTHORNE STREET AP 49 LOT 378
Street Address
R-3
2. **Zoning District(s):** _____
Special purpose or overlay district(s): _____
- 3a. **Date owner purchased the Property:** 7/2012
- 3b. **Month/year of lessee's occupancy:** _____

3. Dimensions of each lot:

Lot # <u>49</u>	Frontage <u>46'</u>	depth <u>90'</u>	Total area <u>4119</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	<u>3864</u>
Footprint <u>28' X 46'</u>	Height <u>40'</u>	Floors <u>3</u>
Accessory Structure:	Total gross square footage	<u>360</u>
Footprint <u>18' X 20'</u>	Height <u>15'</u>	Floors <u>1</u>

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

6a. Existing Lot coverage: (include all buildings, decks, etc.) 44%

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

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

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

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

9. Number of Current Parking Spaces: 2

10. Describe the proposed construction or alterations (each lot/structure):
REDUCE THE NUMBER OF APARTMENTS FROM 5 TO 3 BY COMBINING 2 APTS ON THE FIRST FLOOR INTO ONE UNIT AND TWO APTS ON THE SECOND FLOOR INTO ONE UNIT. THE SINGLE APARTMENT ON THE THIRD FLOOR WILL REMAIN UNCHANGED.

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>DIMENSIONAL STANDARDS: T 4-1; MINIMUM LOT AREA 5000 SF REQ/ 414 PROVIDED</u>
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

DIMENSIONAL RELIEF IS REQUESTED TO ALLOW THREE APARTMENTS IN THE R-3 ZONE.
THE REQUIREMENT IS 5000 SF OF LAND AREA WHERE 4119 SF IS PROVIDED. THE
SHORTAGE IS 881 SF OR WITHIN 18% OF THE MINIMUM LOT AREA REQUIRED. RAZE THE
EXISTING GARAGE AND INSTALL A NEW CURB OPENING AND DRIVEWAY TO THE LEFT,
WESTERLY SIDE YARD FOR PARKING OF THREE VEHICLES.

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):

RICARDO PESTINO
Type Name

Type Name

Signature

Signature

RAICOR INC
Type Name

Type Name

Signature

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?
INSUFFICIENT LAND AREA. 881 SF SHORT FALL OF 5000 SF REQUIRED
2. Specify any and all unique characteristics of the land or structure that cause the hardship?
SIZE AND MASSING OF THE STRUCTURE & AREA OF THE EXISTING LOT
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 RETAIN AND PROVIDE MUCH NEEDED HOUSING IN 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).

THERE ARE NO OTHER VIABLE ALTERNATIVES TO RELIEVE THE HARDSHIP. ONE APARTMENT ON EACH FLOOR IS PROPOSED. IT WOULD BE IMPRACTICAL TO REDUCE THE NUMBER OF UNITS ANY FURTHER.

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 AS THE HIGHEST AND BEST USE OF THE PROPERTY AND EFFICIENT, MARKETABLE AND AVAILABLE LIVING SPACE WOULD NOT BE REALIZED.

C.M.U. GARAGE TO BE
RAZED & REAR YARD
GRASS ARE TO BE EXTENDED

2 MEDIUM SHADE TREES
(500 S.F. EACH)

LARGE SHADE TREE
(1,000 S.F.)

EXISTING 1ST STORY
C.M.U. BLOCK
GARAGE

CONC. PLATFORM
& STAIRS

CONCRETE WALKWAY

CANOPY COVERAGE

1 - LARGE SHADE TREES = 1,000 SQ. FT.
2 - MEDIUM SHADE TREES = 1,000 SQ. FT.
(48.56%)

GRASS
SIDE YARD

PROPOSED LOT COVERAGE BREAKDOWN :

STRUCTURES :

EXISTING DWELLING = 1,290 SQ. FT.
FRONT PORCH & STAIRS = 141 SQ. FT.
REAR PLATFORM & STAIRS = 35 SQ. FT.

TOTAL = 1,417 SQ. FT.
(34.40%)

EXISTING 3 - STORY
5 - FAMILY DWELLING
PROPOSED 3 - FAMILY
#29

IMPERVIOUS PAVING

CONCRETE WALKWAYS = 564 SQ. FT.
PROPOSED ASPHALT
PAVED DRIVEWAY = 463 SQ. FT.

TOTAL = 1,027 SQ. FT.
(25%)

GRASS & PLANTED AREAS

TOTAL = 1,675 SQ. FT.
(40.60%)

90.00'
51'
PROPOSED
ASPHALT
PAVED
DRIVEWAY

90.00'
CONCRETE WALKWAY

9'

COVERED
FRONT PORCH

GRASS
FRONT YARD



A.P. 49
LOT 378
4,119 S.F.
ZONED R-3

8' CONCRETE SIDEWALK

12'
PROPOSED
CURB CUT

HAWTHORNE STREET

PROPOSED SITE PLAN

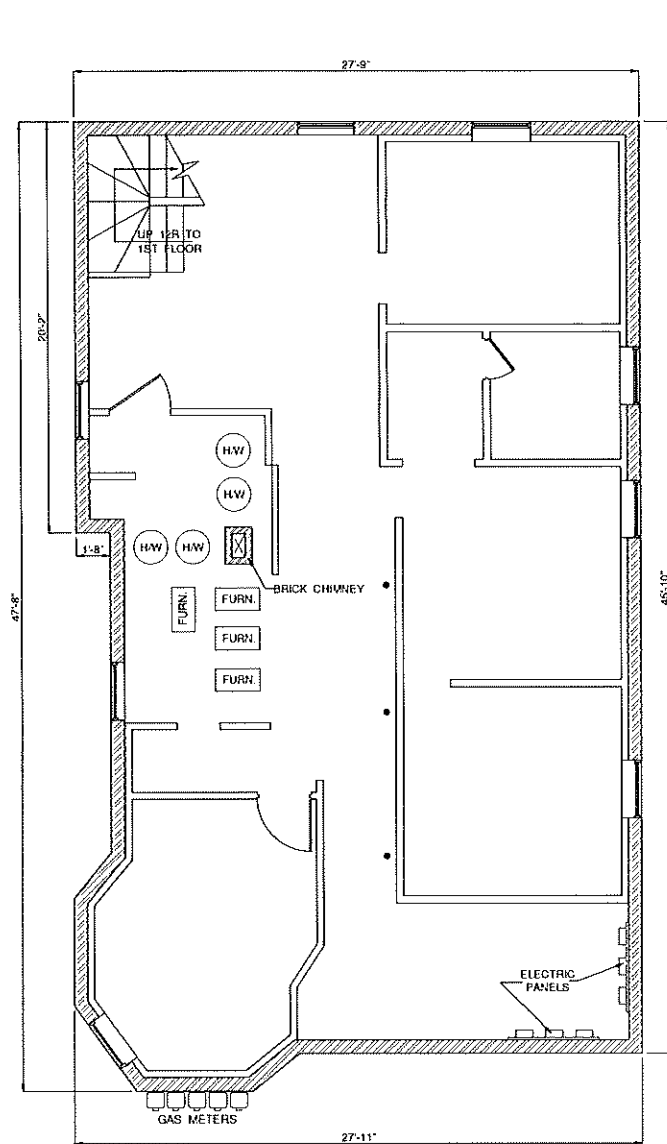
SCALE : 1 = 10'

Project :
EXISTING SITE PLAN
29 HAWTHORNE STREET
PROVIDENCE, R.I.

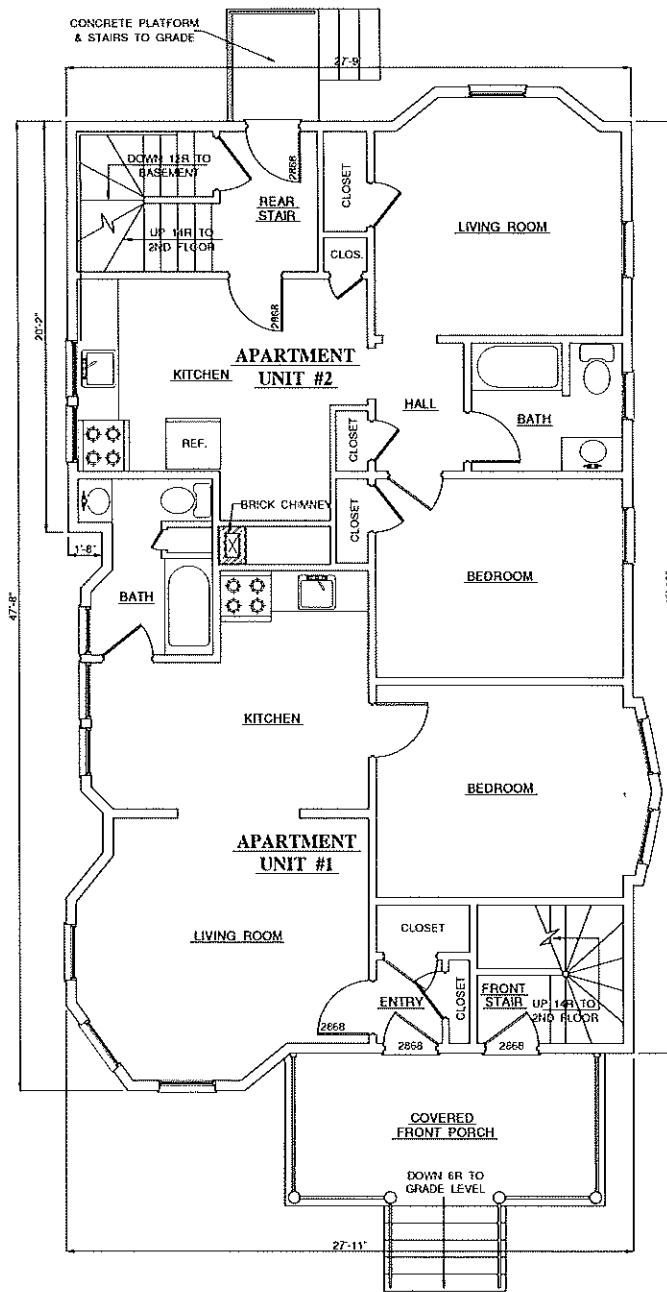
Date :
5/13/21

Drawing No. :

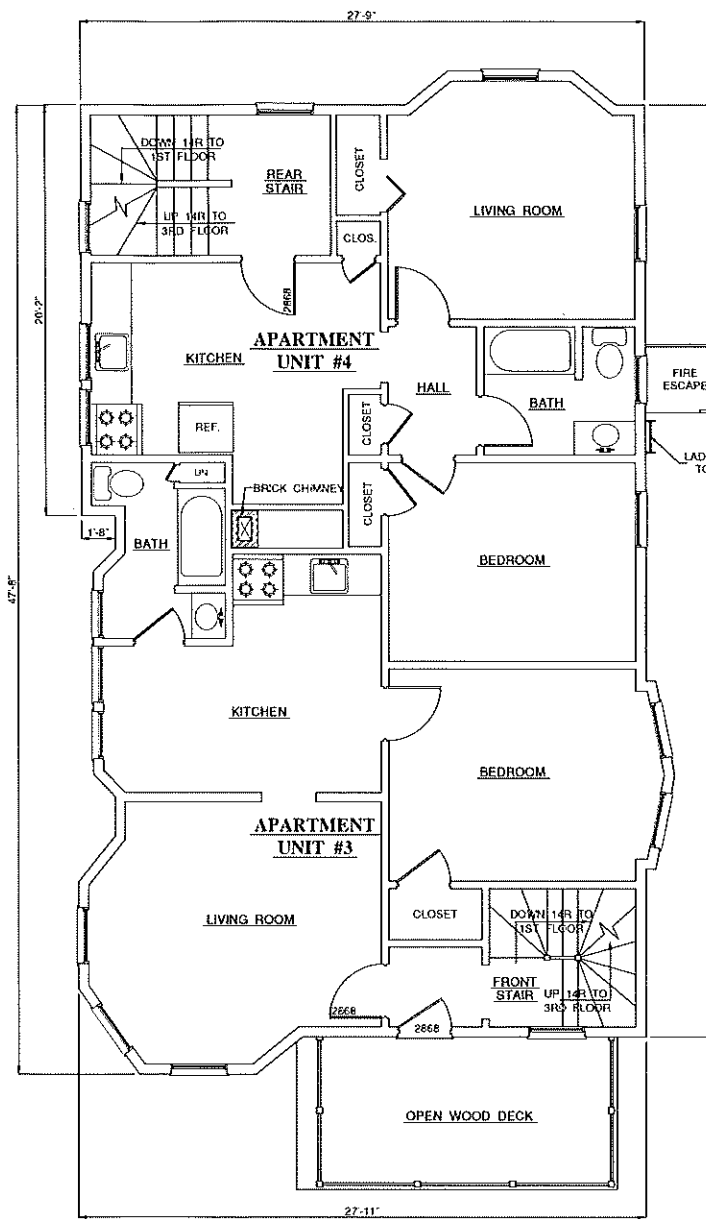
S1



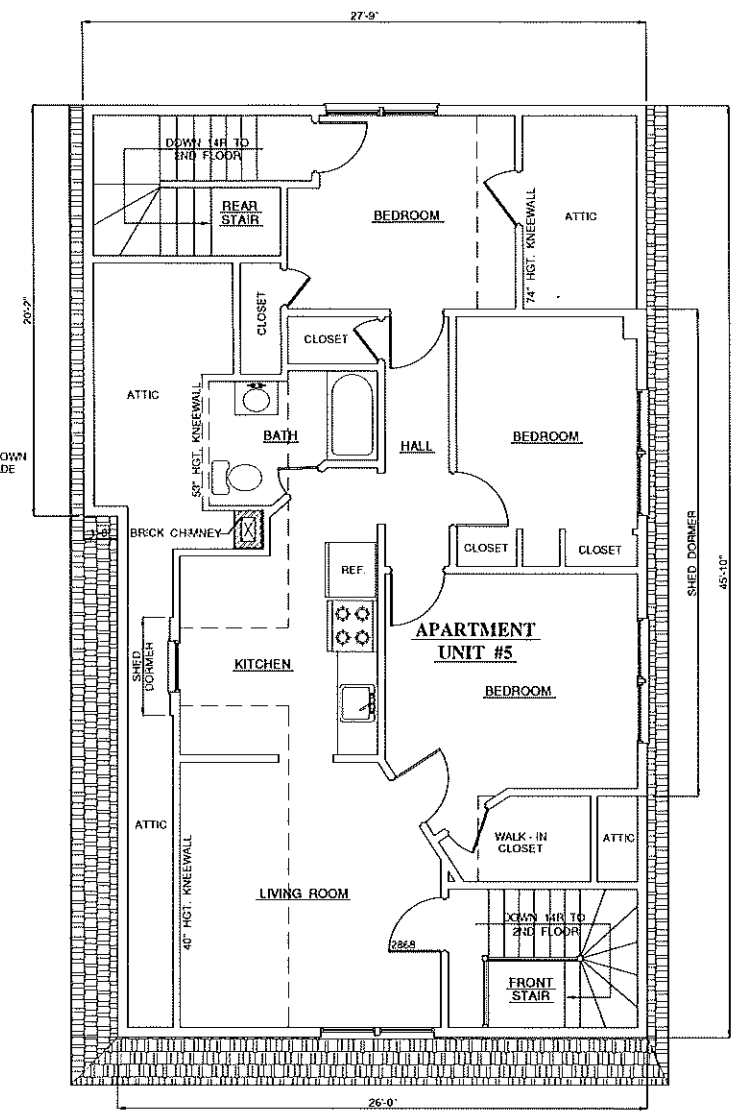
EXISTING BASEMENT PLAN
SCALE: 1/4" = 1'-0"



EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0" EXISTING FLOOR TO CEILING HGT. = 8'-7"



EXISTING SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0" EXISTING FLOOR TO CEILING HGT = 8'-7"



EXISTING THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0" EXISTING FLOOR TO FULL CEILING HGT = 7'-9"

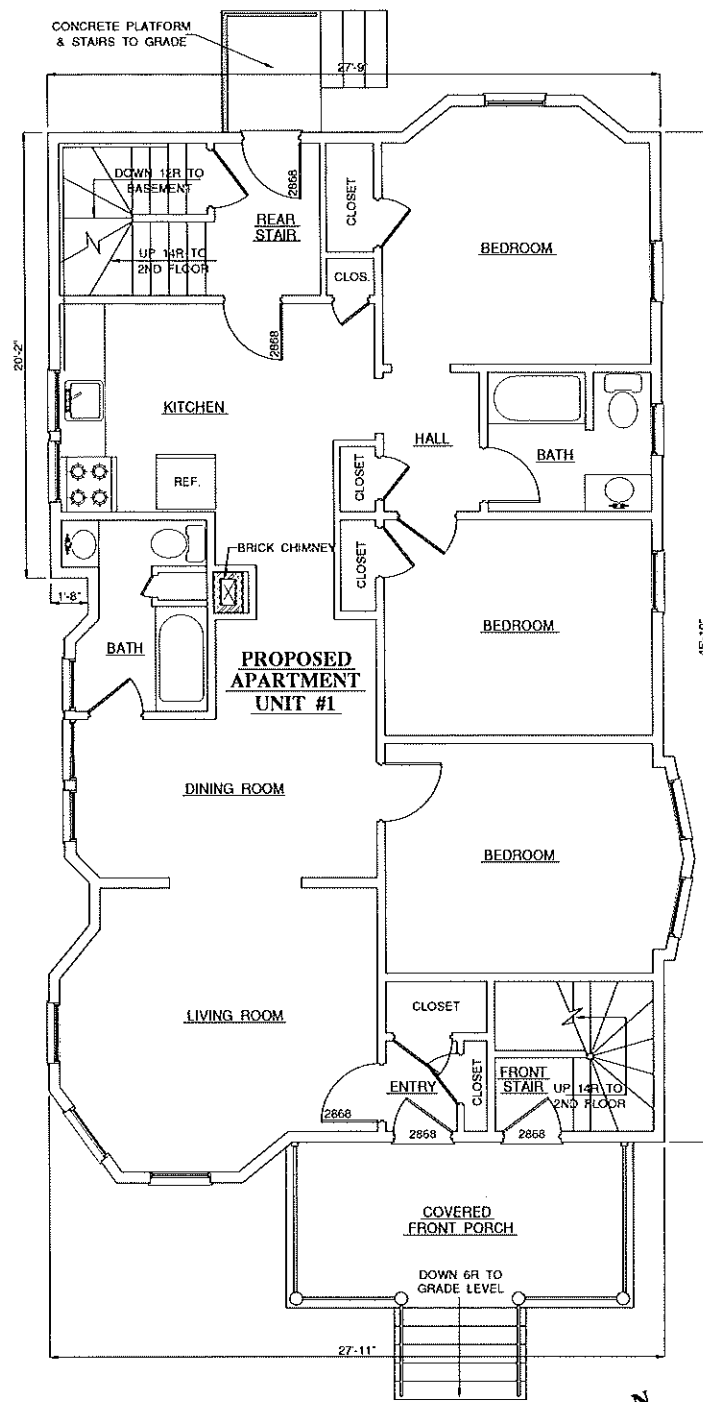
Project :
EXISTING CONDITION FLOOR PLANS
OF EXISTING 3 - STORY, 5 - FAMILY
DWELLING - PROPOSED 3 - FAMILY

29 HAWTHORNE STREET
PROVIDENCE, R.I.

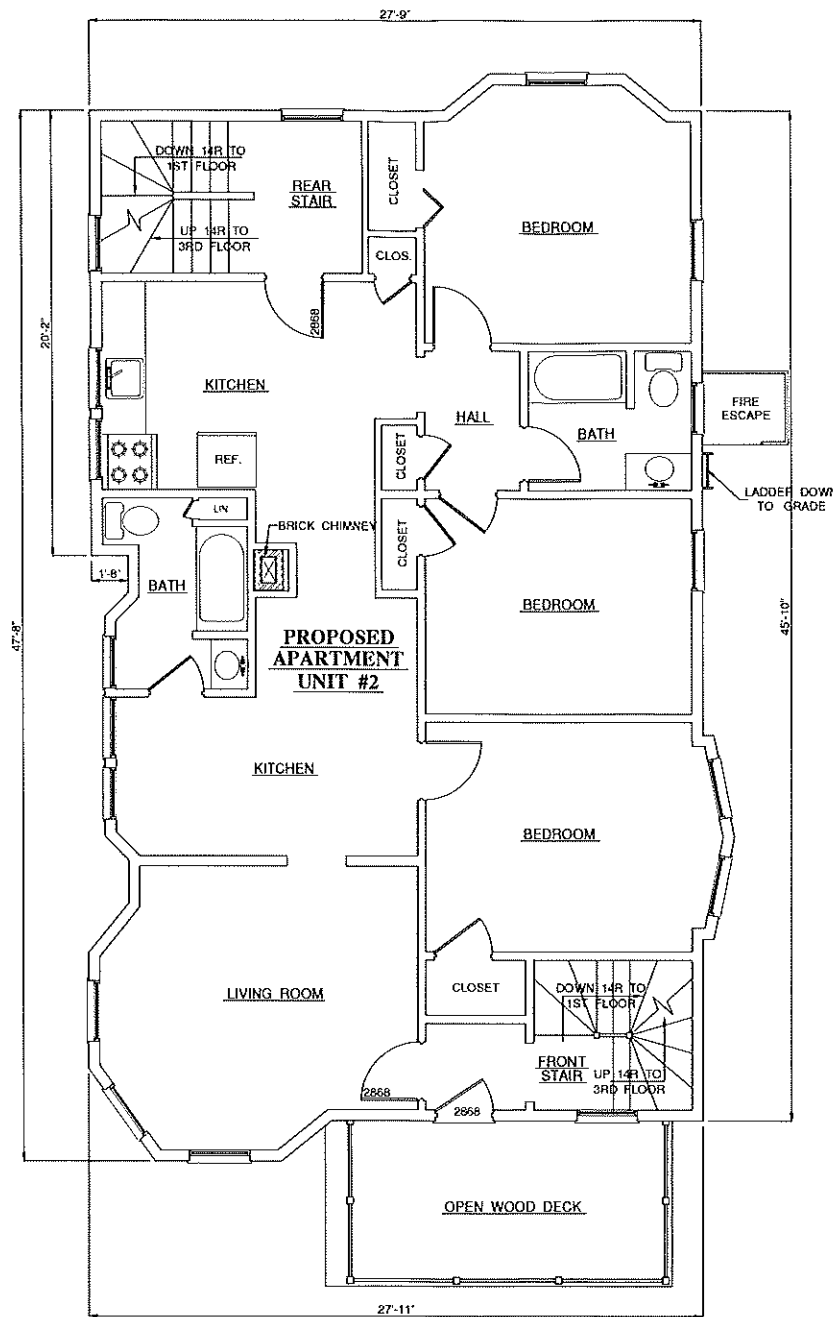
Greg W. Bagian
(401)-464-2601

Date :	3/9/21
Scale :	As Noted
Drawn by :	GB
A.P. :	49
Lot No. :	378
Revision :	Date :

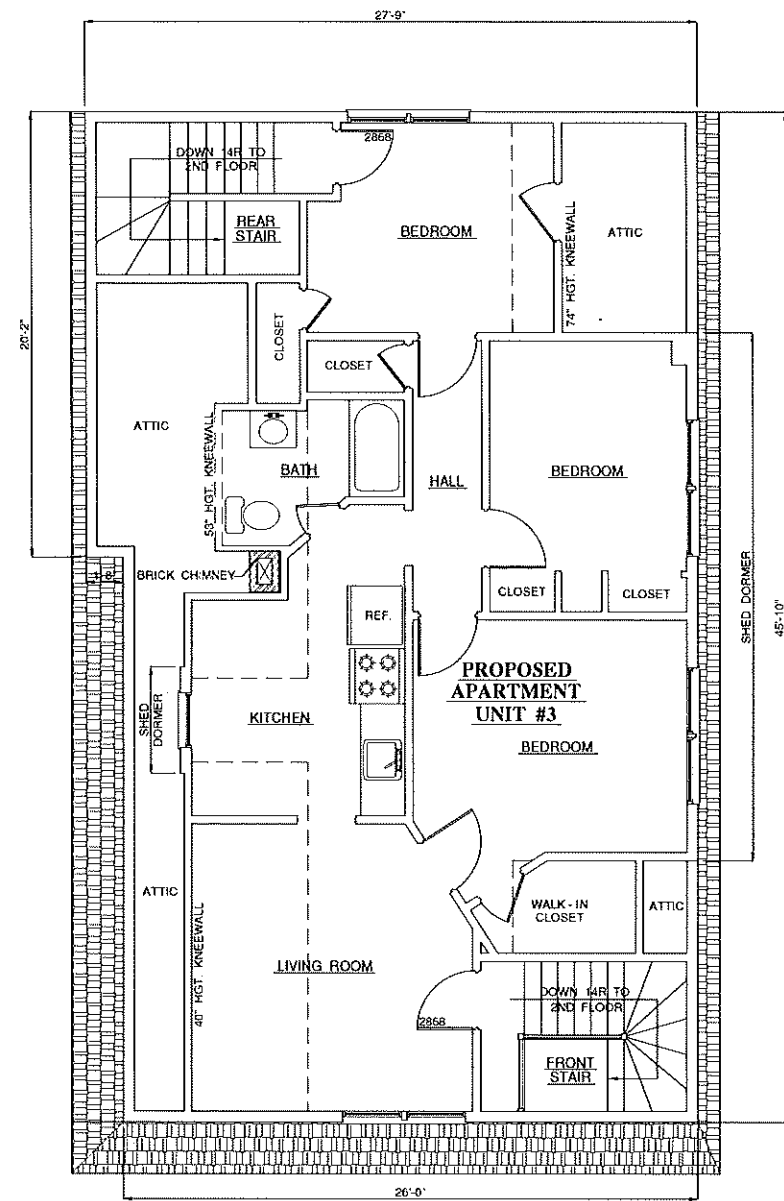
Drawing No. :
A1
1 OF 2 DWGS.



PROPOSED FIRST FLOOR PLAN
 SCALE : 1/4" = 1'-0" EXISTING FLOOR TO CEILING HGT. = 8'-7"



PROPOSED SECOND FLOOR PLAN
 SCALE : 1/4" = 1'-0" EXISTING FLOOR TO CEILING HGT = 8'-7"



PROPOSED THIRD FLOOR PLAN
 SCALE : 1/4" = 1'-0" EXISTING FLOOR TO FULL CEILING HGT = 7'-9"

Project :		Date : 3/9/21
EXISTING CONDITION FLOOR PLANS OF EXISTING 3 - STORY, 5 - FAMILY DWELLING - PROPOSED 3 - FAMILY		Scale : As Noted
29 HAWTHORNE STREET PROVIDENCE, R.I.		Drawn by : GB
Revision : _____ Date : _____		A.P. : 49
Greg W. Bagian (401)-464-2601		Lot No. : 378
Drawing No. :		A2
		2 OF 2 DWGS.









200FT RADIUS PLAN

AP 49 LOT 378-29 HAWTHORNE ST.

GREENWICH ST.

R3

AP 49
AP 43

R3

Adelante Inc.
1031

53 Apts.

626
2Fam
M. Singh
627
LMH Investment
Vacant



Scale 1"=50'

R3

POTTERS AVE

572
566
562
558
500
377
376
375
337
318
317
316
315
314
313
312
311
310
309
308
307
306
305
304
303
302
301
300
299
298
297
296
295
294
293
292
291
290
289
288
287
286
285
284
283
282
281
280
279
278
277
276
275
274
273
272
271
270
269
268
267
266
265
264
263
262
261
260
259
258
257
256
255
254
253
252
251
250
249
248
247
246
245
244
243
242
241
240
239
238
237
236
235
234
233
232
231
230
229
228
227
226
225
224
223
222
221
220
219
218
217
216
215
214
213
212
211
210
209
208
207
206
205
204
203
202
201
200
199
198
197
196
195
194
193
192
191
190
189
188
187
186
185
184
183
182
181
180
179
178
177
176
175
174
173
172
171
170
169
168
167
166
165
164
163
162
161
160
159
158
157
156
155
154
153
152
151
150
149
148
147
146
145
144
143
142
141
140
139
138
137
136
135
134
133
132
131
130
129
128
127
126
125
124
123
122
121
120
119
118
117
116
115
114
113
112
111
110
109
108
107
106
105
104
103
102
101
100
99
98
97
96
95
94
93
92
91
90
89
88
87
86
85
84
83
82
81
80
79
78
77
76
75
74
73
72
71
70
69
68
67
66
65
64
63
62
61
60
59
58
57
56
55
54
53
52
51
50
49
48
47
46
45
44
43
42
41
40
39
38
37
36
35
34
33
32
31
30
29
28
27
26
25
24
23
22
21
20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1

552

542
Church
Truth Tabernacle United Pentecostal

374
Church
C. Martinez
3Fam

R3

HAWTHORNE ST.

R3

R3

MASHA PAUG ST.

R3

VINEYARD ST.

R3

BUCKLIN ST.

R3

Edre [Signature]
1/2021