

FEB 23 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: Dustin Dezube Address 269 Wickenden St, Level 2
E-mail dustin@providenceliving.com Zip Code 02903
Phone 617.803.6964
Home/Office *Mobile (Cell)*

Owner: Dustin Dezube Address _____
E-mail dustin@providenceliving.com Zip Code _____
Phone 617.803.6964
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: 369 Broadway Providence RI 02909
Street Address

2. Zoning District(s): C-1
Special purpose or overlay district(s): City Historic District

3a. Date owner purchased the Property: 1/23/2020

3b. Month/year of lessee's occupancy: Two Units/ Two Leases, both beginning on 7.1.2020, ending on 6.25.2021

3. Dimensions of each lot:

Lot #	5	Frontage	40.92'	depth	100.25'	Total area	4053	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	4,355 SF
Footprint 1,587	Height 37'	Floors 3+ Cellar

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

5. Size of proposed structure(s):	Total gross square footage:	2205
Footprint 588	Height 34'	Floors 3+ Cellar

6a. Existing Lot coverage: (include all buildings, decks, etc.) 41%

6b. Proposed Lot coverage: (include new construction) 55%

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

Two Family

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

2 Family

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

Multi Family- 9 Units; (existing two-family structure to remain, proposing additional 7 units)

9. Number of Current Parking Spaces: 2 parking spaces to remain

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

Behind existing structure and on same lot, constructing three story (+ cellar) 7 unit apartment building

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:

502 (5-1)	Minimum First Story Height: 9'-0". (seeking relief of 6" to construct 8'-6" ceiling ht.)
502 (5-1)	10' rear yard setback when abutting residential district. (Seeking relief to build 7' into 10' rear yard setback)

13. Explain the changes proposed for the Property.

The applicant is proposing to construct a detached four story, 7-unit apartment building behind the existing two-family home at 369 Broadway. The first level will be below grade and the top three levels will be above grade.

Each level of the proposed structure will include two dwelling units with exception to the top level, which will only include 1 larger dwelling unit.

The applicant has received a conceptual approval for the proposal from the Historic District Commission (HDC) and a letter of encouragement from the local neighborhood association (WBNA) contingent on the relief sought herein.

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):

Providence Growth 2019 Fund Holdings LLC

Providence Growth 2019 Fund Holdings LLC

Type Name



Signature

Type Name



Signature

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?

Feedback from the Historic District Commission and the West Broadway Neighborhood Association have included the preference for a sizable space to exist between the existing and proposed structures which is why the applicant is proposing to shift the building 7' into the required 10' rear yard setback. Further, to limit the height of the building given its relationship with the existing structure on the lot, without sacrificing quality of space the applicant is seeking relief to construct the first floor ceiling at 8'6" rather than 9'-0".

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

Given the historic nature of the existing building on the lot and its significant architectural detailing in addition to the dense nature of the surrounding area, the HDC and the WBNA have strongly encouraged the applicant to provide a spatial relief between the existing and proposed structures to allow the two structures to feel separate, allow light into the space between the two buildings and to encourage a well integrated common outdoor gathering space for tenant enjoyment

3. (a) Is the hardship caused by an economic disability? Yes ☐ No ☒
- (b) Is the hardship caused by a physical disability? Yes ☐ No ☒
- (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 ☐ n/a
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 ☒

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.

A structure of an ever greater size and density is permitted on this site however, the applicant will only be granted HDC approval and neighborhood support for the project if a total clear space of 15'5" is provided between the two residential structures (not including the proposed open stair which will encroach within that gap.) To accommodate the open space described between the two structures the applicant is proposing to shift the proposed building into the required 10' rear yard setback. The applicant is not proposing to utilize the area of the rear yard setback to accommodate a larger structure but is instead proposing a smaller structure than what is allowed by right and shifting it further away from the existing structure to satisfy the requests and preferences of both the WBNA and the HDC and for the two structures to be more compatible with the existing neighboring buildings.

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).

Given comments from the HDC and the WBNA based on multiple hearings and meetings, the applicant is only able to proceed with the project if an open space as outlined in the drawings is present between the existing and proposed buildings. In addition to needing to accommodate this request the applicant has proactively compressed the depth of the proposed building/ the livable square footage as much as possible to limit how far into the setback the proposed structure will need to be. Without relief on this item being granted it will not be possible to construct the building between the required rear yard setback and the required setback between the two buildings given the depth of that space.

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.

N/A

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 relief being sought, the applicant will be deprived of the full use and enjoyment of the proposed lawful use of their property. The applicant is already intending to construct the shallowest residential structure that is 1 residential unit in its depth (north to south). Prior to bringing forward this request for relief, the applicant has already modified the structure to be as shallow as reasonably possible without sacrificing basic dimensions required to accommodate a livable studio apartment. If the applicant is not granted the relief to shift the new structure 7' into the required 10' rear yard setback the project will not be viable given the amount of open space that will need to be accommodated between the two structures.

Exhibit A- The Intent of the Zoning Ordinance

369 Broadway Zoning Dimensional Variance

The below is a point by point response to each of the purposes of zoning as set forth in the Rhode Island General Laws Zoning Enabling Act purposes and intent of Zoning. The code language is in bold and the applicant's responses are in italics:

1. To promote the public health, safety and general welfare of the City.

A new multifamily housing structure constructed from the ground up in conformance with current building and energy codes provides increased housing options to residents of the city that will include healthy indoor air quality, high energy efficiency, and therefore a lower carbon footprint, and sustainable building.

2. To provide for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.

Increased residential density within a walkable and mixed use neighborhood is a continued use at the location that matches both the present and future land uses, as set forth by the comprehensive plan.

3. To provide for orderly growth and development which recognizes:

(i) The goals and patterns of land use contained in the aforesaid Comprehensive Community Plan of the City adopted pursuant to R.I.G.L. § 45-22.2.

Please see below detailed analysis of the proposals successful realization of the Comprehensive Plan's goals and land use patterns.

(ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface or ground water pollution.

The small footprint of the proposed detached structure preserves the maximum amount of impervious surface to mitigate stormwater runoff to adjacent site therefore limiting any contribution to ground water pollution.

(iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;

The Applicant reiterates the response to the above: The small footprint of the proposed detached structure preserves the maximum amount of impervious surface to mitigate stormwater runoff to adjacent site therefore limiting any contribution to ground water pollution.

(iv) The values of unique or valuable natural resources and features.

To the extent that this is applicable, the proposed building is designed to maximize the virtues of slender urban architectural forms that preserve and utilize open green space.

(v) The availability and capacity of existing and planned public and/or private services and facilities.

The proposal increases the supply and therefore inherently offsets the demand and price-point of public transit oriented housing units. As a result, the proposal affords more residents to dwell within close proximity of public transportation options, which is congruent with the comprehensive plan.

(vi) The need to shape urban development.

The proposed building's size, scale, and positioning on the site matches the Comprehensive Plan's intent to encourage dense, pedestrian-centric development within the existing commercial corridor.

(vii) The use of innovative development regulations and techniques.

As a result of numerous reviews and collaborative discussions that have therefore shaped the project, the West Broadway Neighborhood Association encourages the proposal. Further, also as a result of multiple collaborative hearings, the Providence Historic District Commission has granted conceptual approval to the proposed project.

4. To provide for the control, protection and/or abatement of air, water, groundwater and noise pollution and soil erosion and sedimentation.

The Applicant reiterates the response to the above: The small footprint of the proposed detached structure preserves the maximum amount of impervious surface to mitigate stormwater runoff to adjacent site therefore limiting any contribution to ground water pollution.

5. To provide for the protection of the natural, historic, cultural and scenic character of the City or areas therein.

The proposed structure is a detached, free-standing building that sympathizes and juxtaposes with the classical architectural detailing of the adjacent 2-family structure on the lot as well as the buildings surrounding the parcel. The very nature of the proposal is to compliment and embed within the rich architectural formwork that has and will continue to define the West Broadway Neighborhood of Providence. Further, the proposal was designed specifically to frame views of Downtown Providence's most prominent land mark, The Industrial National Bank Building from its upper floor.

6. To provide for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

Approval of the requested dimensional variance will allow the proposed building to sit apart from the existing historic structure at a distance that will provide for and promote an open outdoor space for common tenant enjoyment.

7. To provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.

Congruent with the goals laid out by the comprehensive plan, the proposal intends to promote increased pedestrian and public transportation centric density. Such increased density maximizes the efficiency of compact infrastructure by reducing the need for new roads and utility management systems that often comes with the new construction of sprawling suburban development.

8. To promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.

9. To provide opportunities for the establishment of low- and moderate-income housing.

A main intent of the proposal is to create 7 new housing options at sizes / price points that accommodate prospective tenants at a variety of income levels. A critical component to the proposal is to provide 6 compact apartments that accommodate the growing demand for work-force housing, one of which that will be reserved for Section-8 qualified tenants.

10. To promote safety from fire, flood and other natural or man-made disasters.

New construction multi-family homes are held to standards that far exceed that of renovating existing, historic residential structures. Given the number of units being constructed (greater than 2), the proposed building shall be constructed in accordance with the commercial building code, which contains stricter standards that protect against harm caused by fire, floods, and other natural or man-made disasters.

11. To promote a high level of quality in design in the development of private and public facilities.

The proposed building was tailored specifically to embed into the current urban fabric of the the neighborhood in a manner that both compliments and juxtaposes with the surrounding historic architecture. Both the local neighborhood association and the

Historic District Commission have also played a significant role in defining the outcome of the proposed design.

12. To promote implementation of the Providence Comprehensive Community Plan, as amended.

Please see below detailed discussion of how this proposal achieves implements the Providence Comprehensive Plan.

13. Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

To the extent that this is applicable, the proposal realizes the benefits of adding new housing options that are centrally located to public transportation. Benefits of doing so include but are not limited to reducing vehicular traffic on local and surrounding roads and reducing the need for unnecessary suburban development.

14. To provide for efficient review of development proposals to clarify and expedite the zoning approval process.

The applicant is undergoing simultaneous reviews with the Historic District Commission, The West Broadway Neighborhood Association and is working to move through this process as efficiently and expeditiously as possible.

15. To provide for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

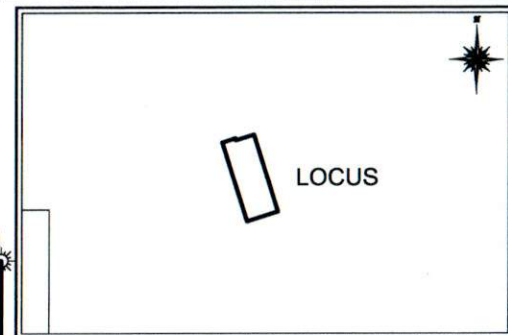
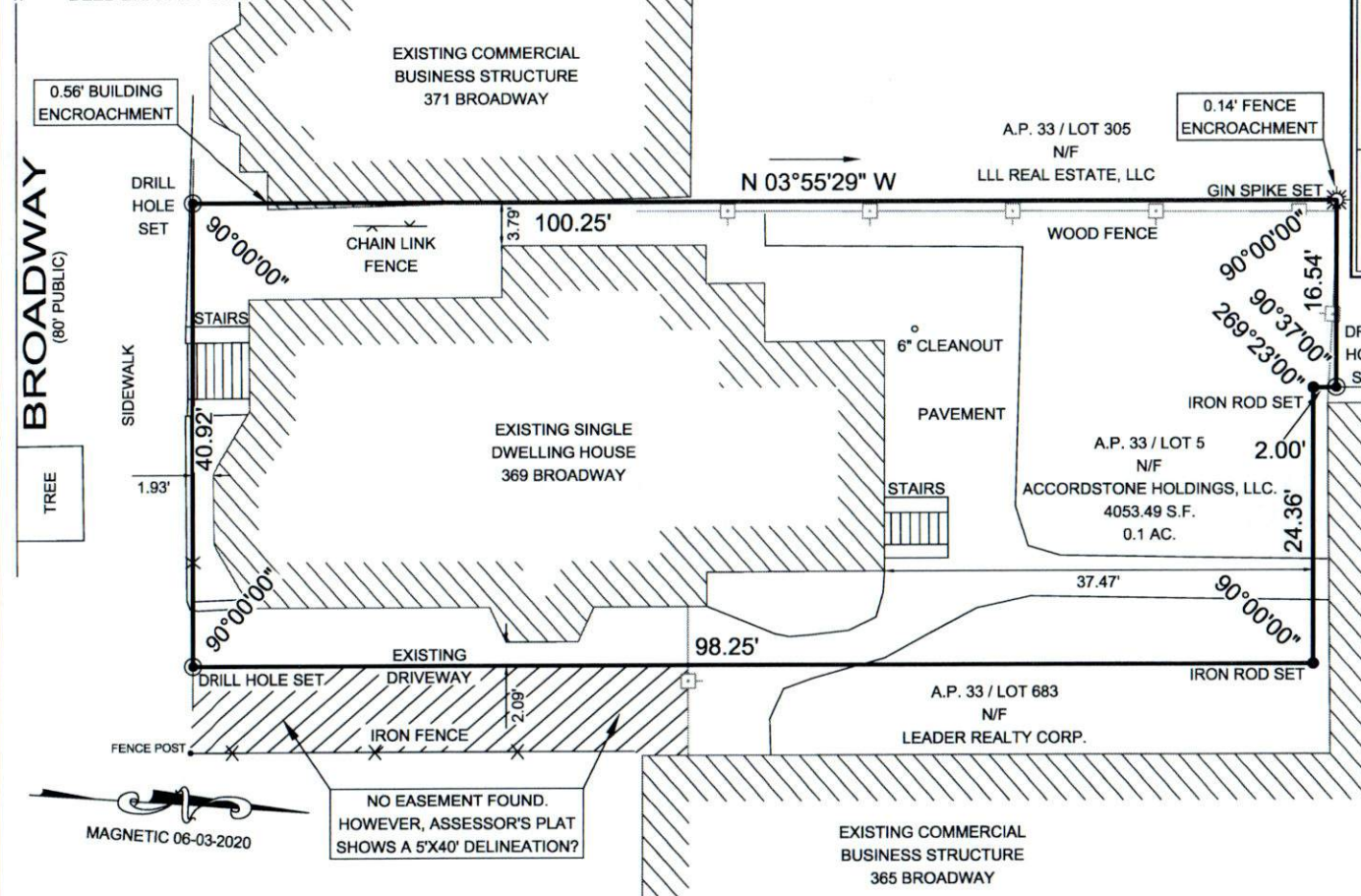
The applicant is adhering to the procedures set forth within Rhode Island General Law and City of Providence Code of Ordinances.

16. To provide opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

One of the seven proposed apartment units will accommodate tenants with a Section-8 voucher and six of the seven total units will be targeted to accommodate the growing demand for work-force housing in the neighborhood.

REFERENCE:

1. DEED BK. 9146 PG. 291



LOCUS MAP

ZONING DISTRICT C-1

MINIMUM LOT AREA NONE
 MINIMUM LOT FRONTAGE NONE
 MINIMUM SETBACKS: FRONT BUILD-TO 24.55'
 SIDE 5'
 REAR 10'
 MAXIMUM BUILDING & IMPERVIOUS SURFACE COVERAGE: NONE
 MAXIMUM BUILDING HEIGHT: 45' NOT TO EXCEED 4 STORIES.
 MINIMUM FIRST STORY HEIGHT 9' RES. 11' NON-RES USE
 MINIMUM BUILDING HEIGHT 16'

BOUNDARY STAKE-OUT SURVEY

A.P. 33 / LOT 5
 369 BROADWAY
 PROVIDENCE, R.I.

SCALE: 1"=10' DATE: JUNE 3, 2020

PREPARED FOR:

ELI ADAMS

PREPARED BY:

OCEAN STATE PLANNERS, INC.
 1255 OAKLAWN AVENUE, CRANSTON, RI 02920
 PHONE: (401) 463-9696 info@osplanners.com

JOB NO. 9688 / DWG. NO. 9688 - (AJB)

GRAPHIC SCALE / 1" = 10'



SURVEY CLASSIFICATION:

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 NOVEMBER 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION:

LIMITED CONTENT BOUNDARY SURVEY CLASS I

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
 TO ESTABLISH AND STAKE RECORD BOUNDARY LINES.

BY: _____ DATE: _____

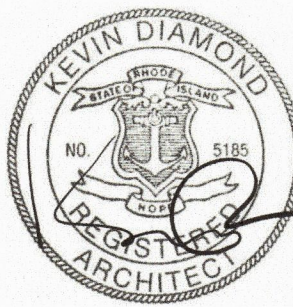
BY: RICHARD T. BZDYRA, PLS; LICENSE #1786; COA # LS-A60

NO EASEMENT FOUND.
 HOWEVER, ASSESSOR'S PLAT
 SHOWS A 5'X40' DELINEATION?

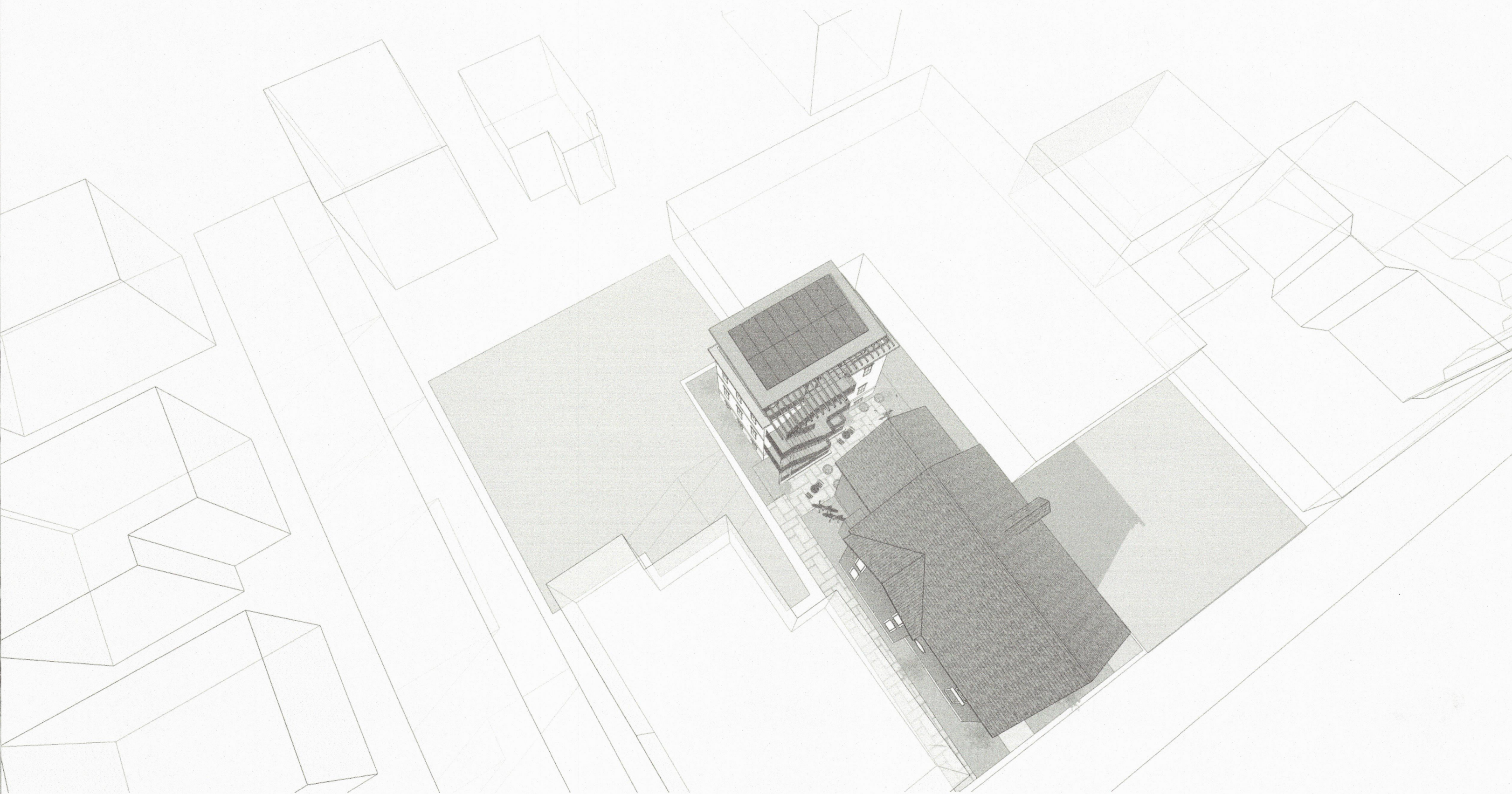
369 Broadway | Preoposed Rear Structure

kevin diamond
ARCHITECT

109 Columbia St
Wakefield, RI 02879
919 886 2426



Providence Living
369 Broadway St
Providence, RI 02909



Proposed Scope:

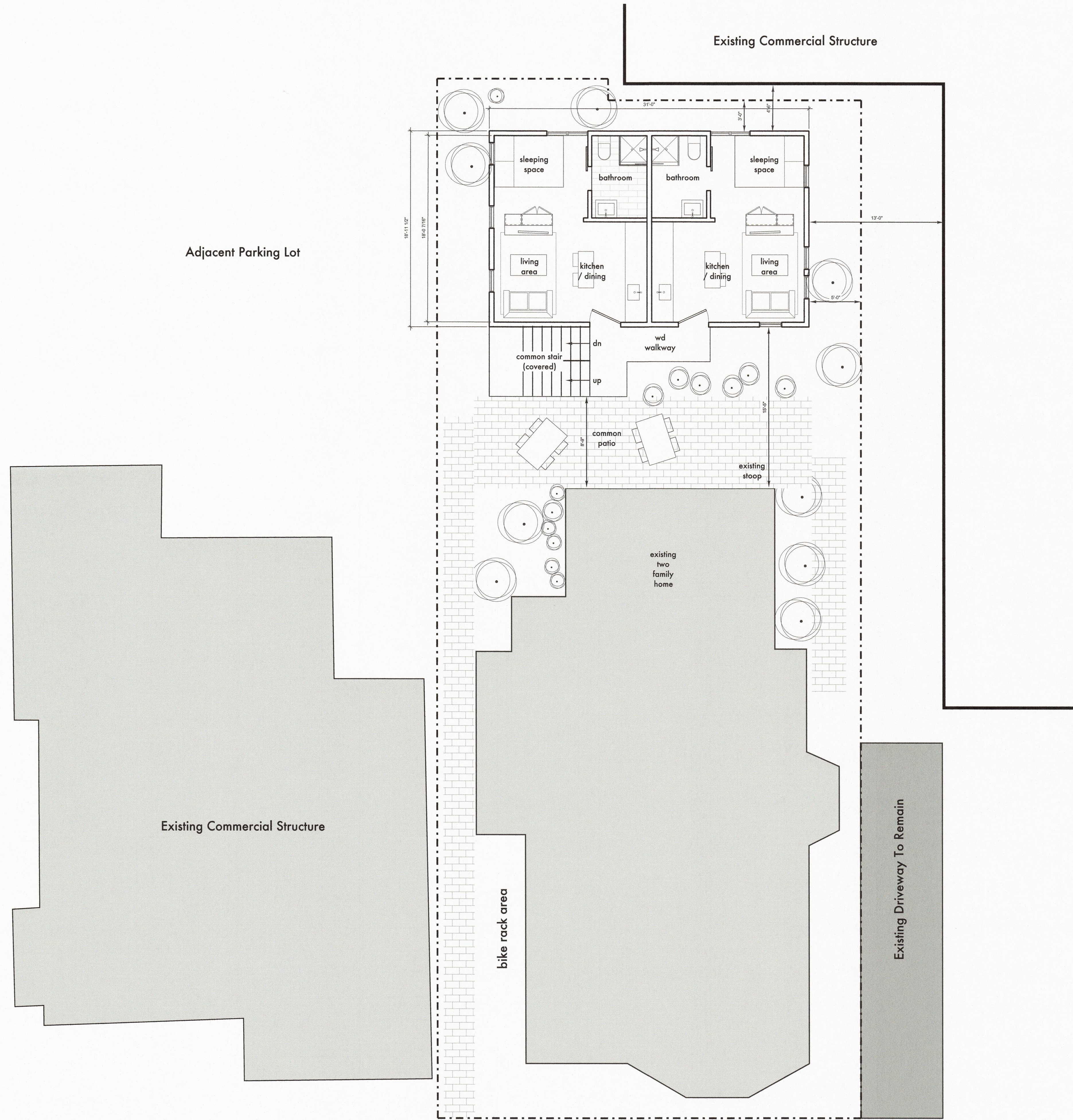
- + Construction of modern free-standing residential structure behind the existing historic home at 369 Broadway
- + 7 units total; three stories above grade, one below. two units on first three levels and 1 unit on top level.
- + Rotate existing brick stoop at rear to accommodate better outdoor space between two structures

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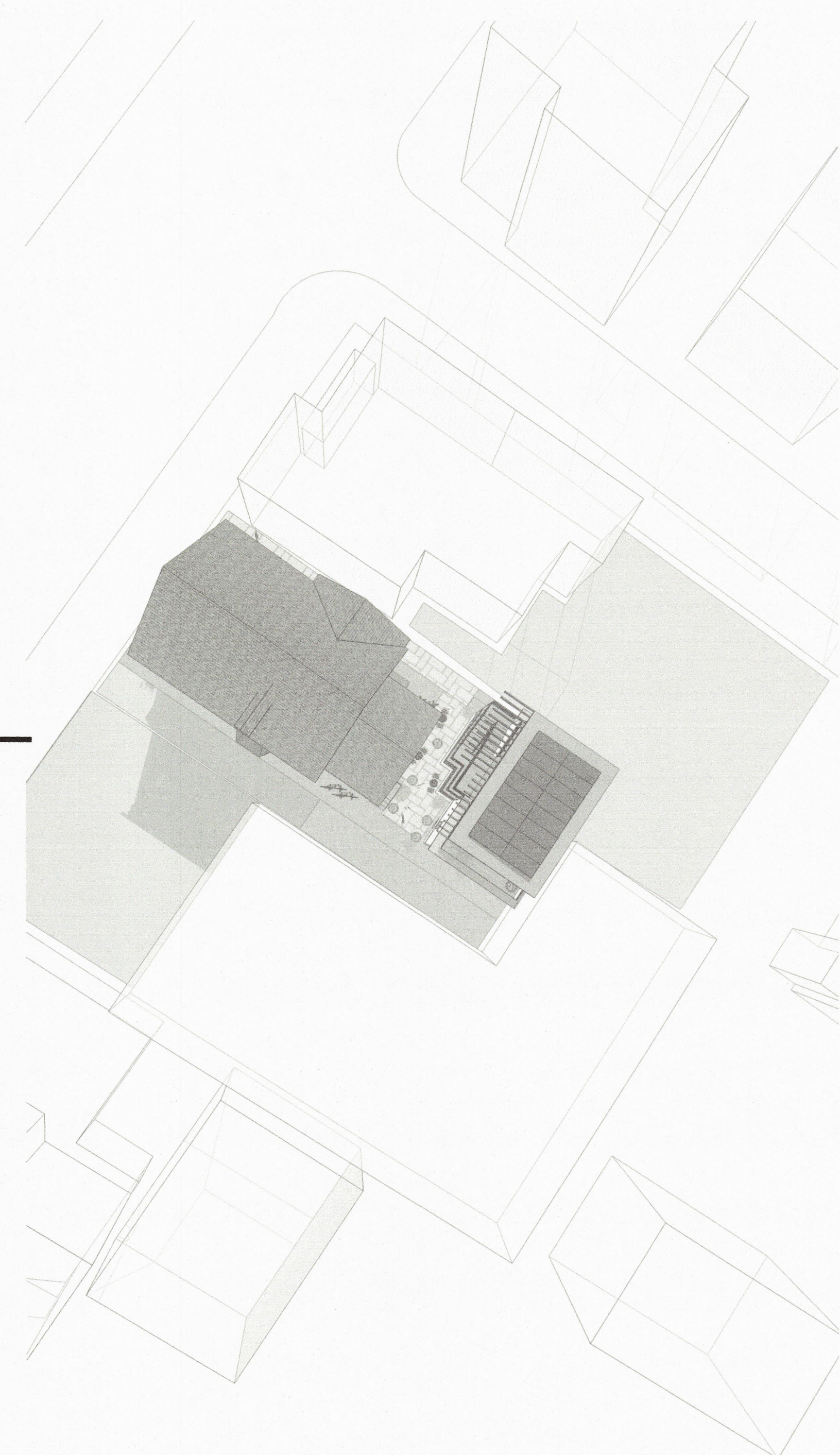
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Cover Sheet

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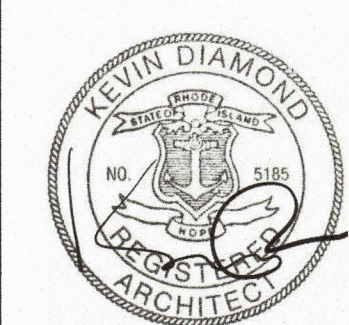


1
A1 Conceptual Site Plan
3/16" = 1'-0"



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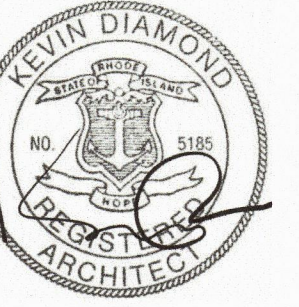
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Typical Floor Plan
Rendering

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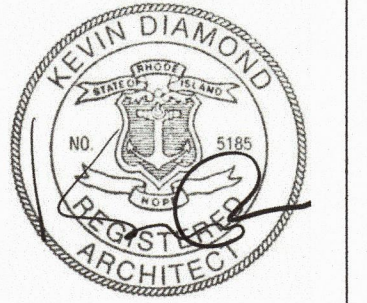


1
A3 Conceptual West Elevation
1/4" = 1'-0"

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Elevations

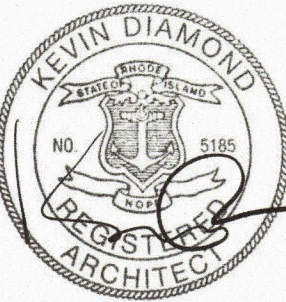


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1
A4 Conceptual East Elevation
1/4" = 1'-0"



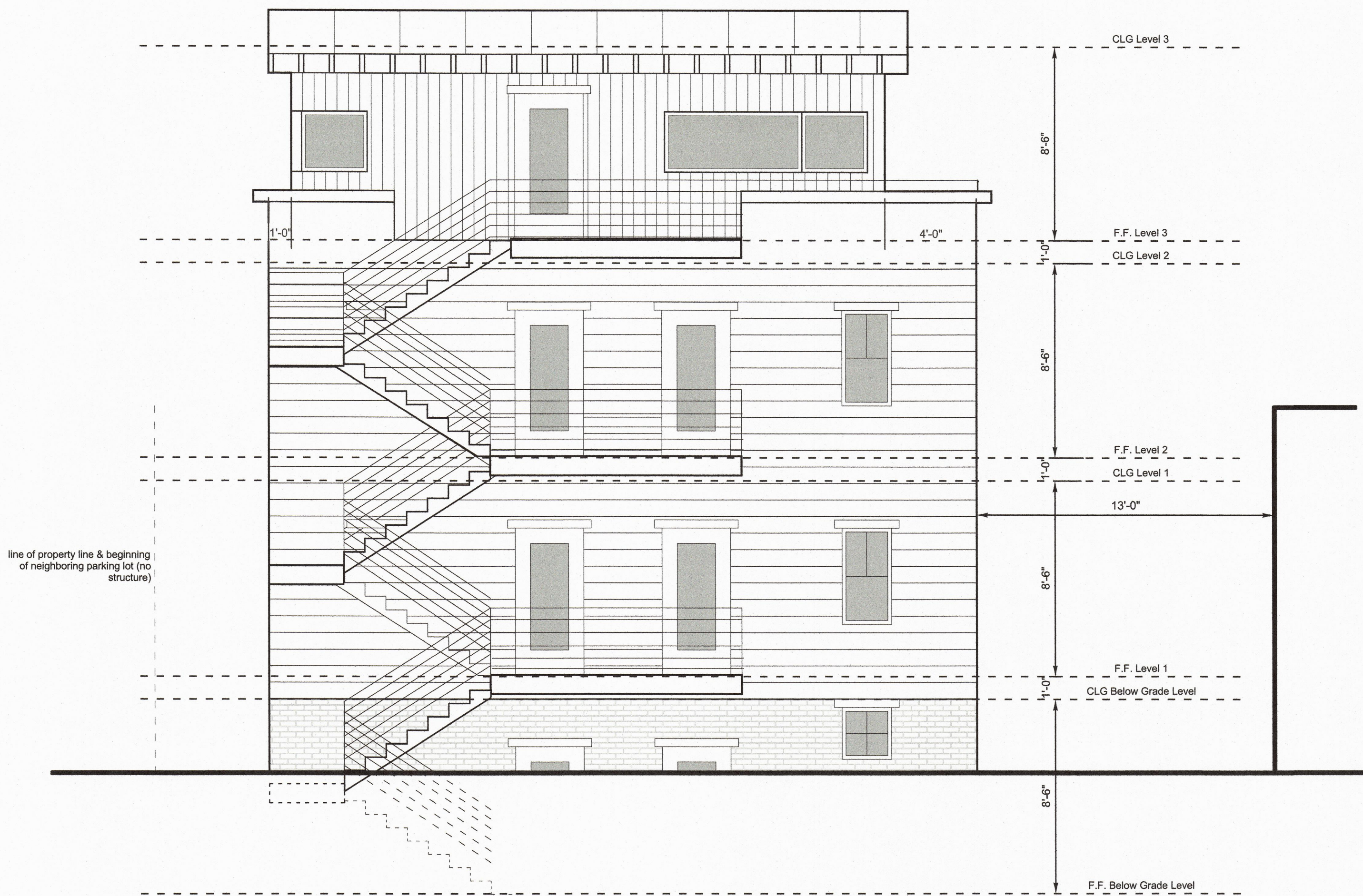
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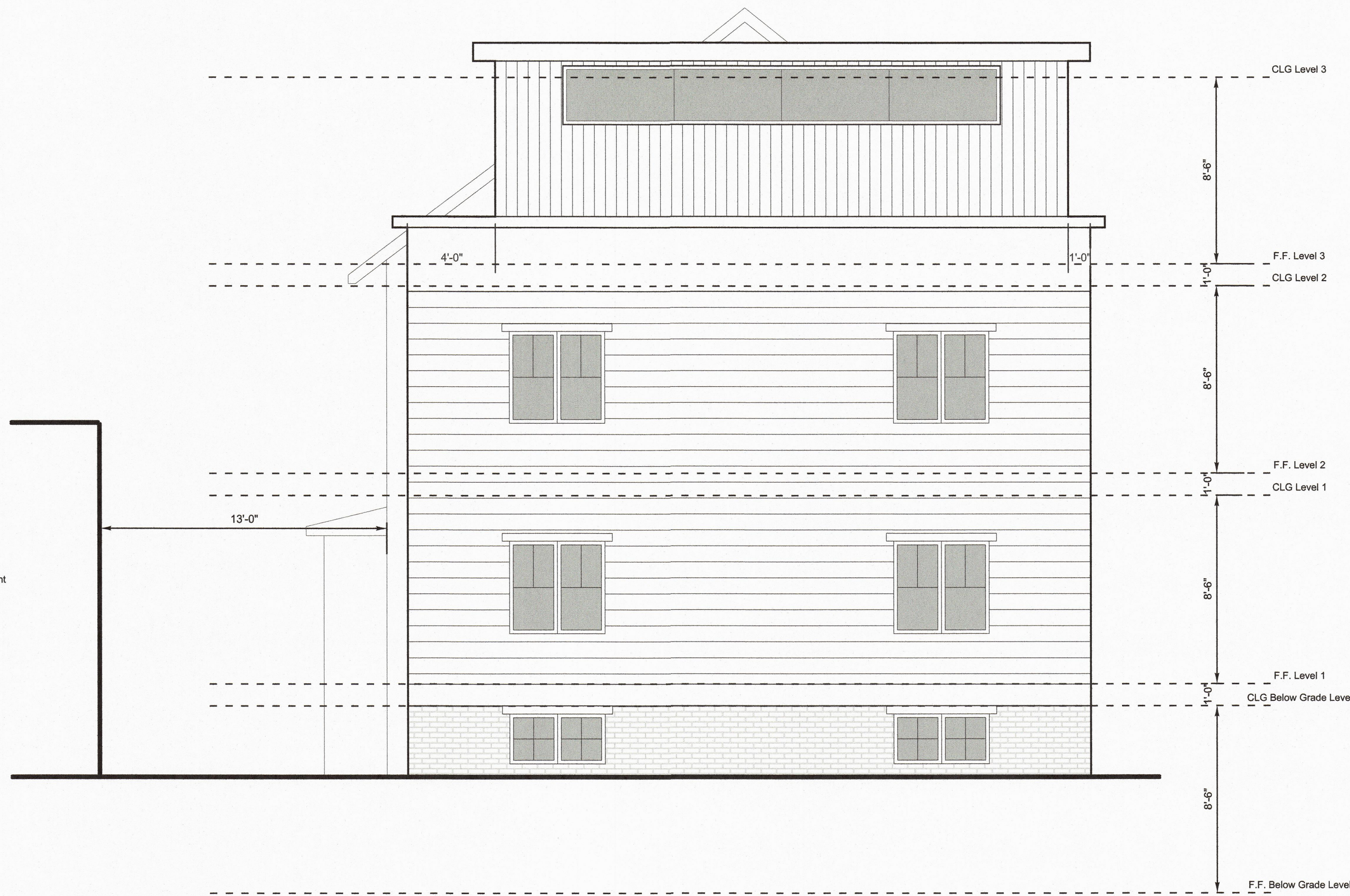
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Elevations

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[05 of 13]



1
A5 Conceptual South Elevation
1/4" = 1'-0"



2
A5 Conceptual North Elevation
1/4" = 1'-0"



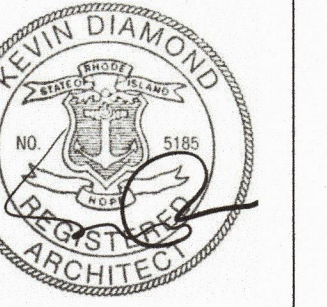
Rotate Existing Masonry Stoop-
existing awning to remain, masonry
stoop to be removed and reconstructed
90 degrees relative to existing
condition as shown



Proposed Common Space & Rotated Stoop

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Rendering

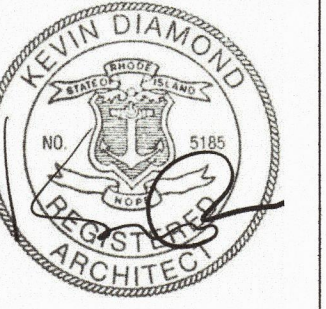
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Proposed Common Space & Rotated Stoop

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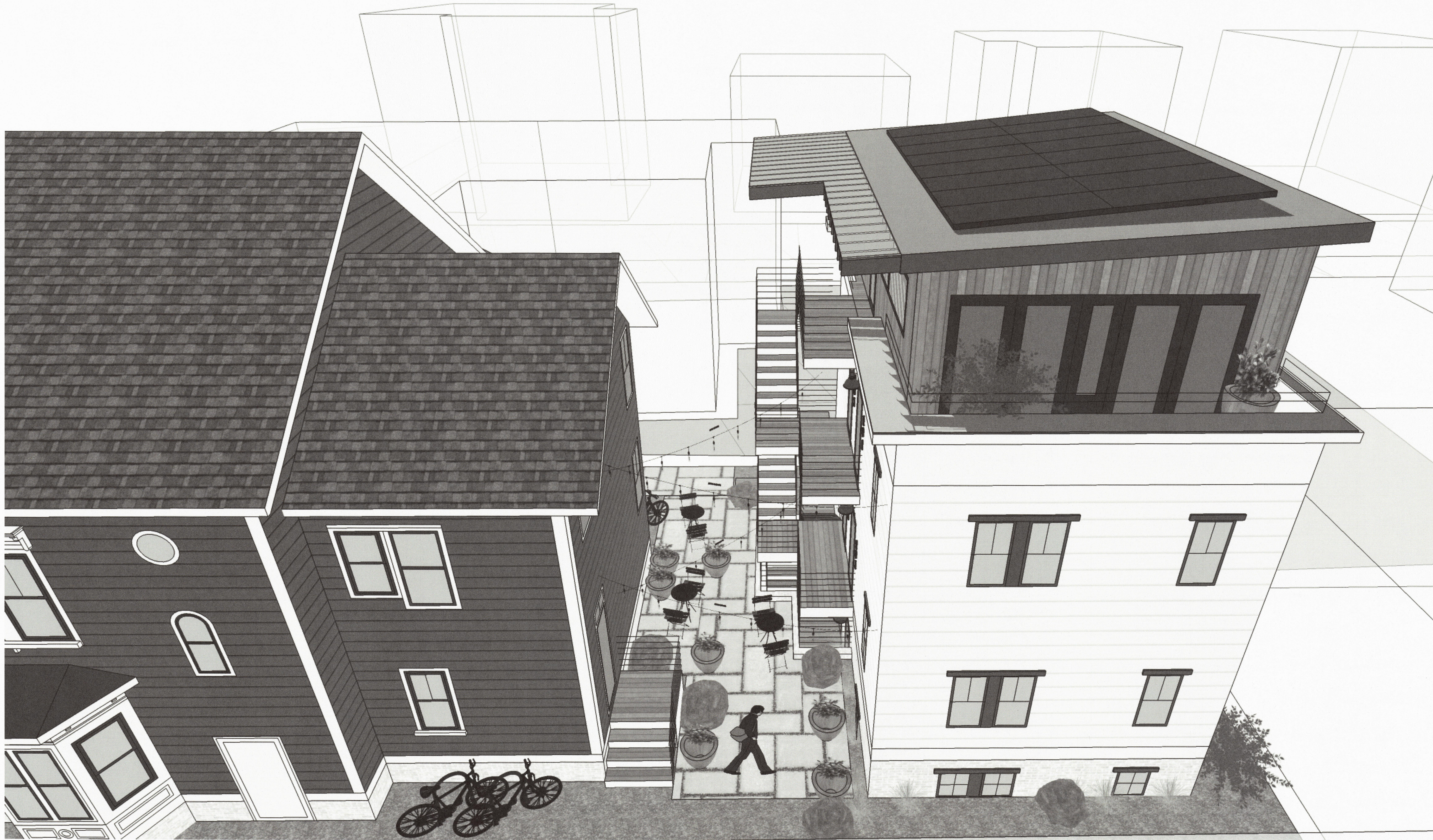
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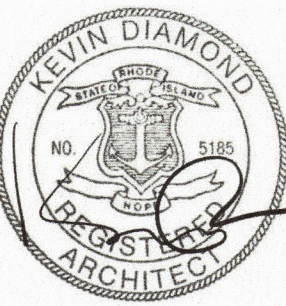
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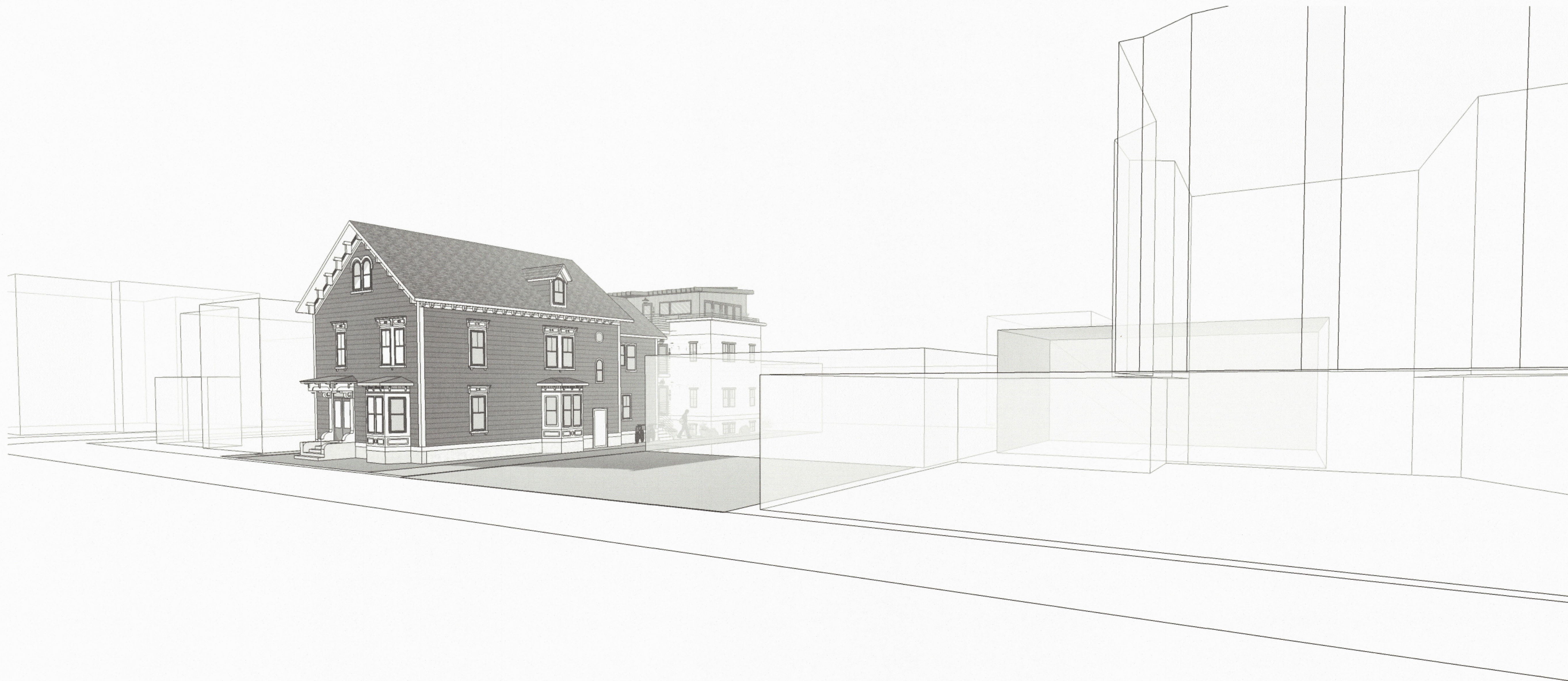
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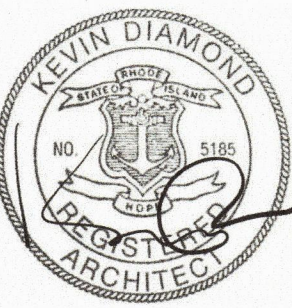
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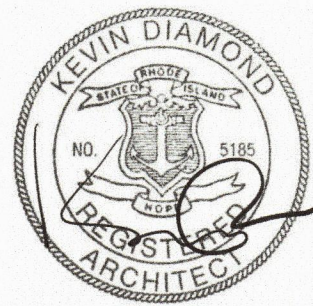
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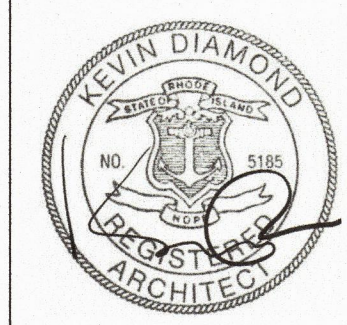
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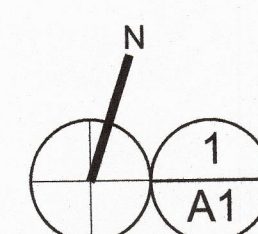
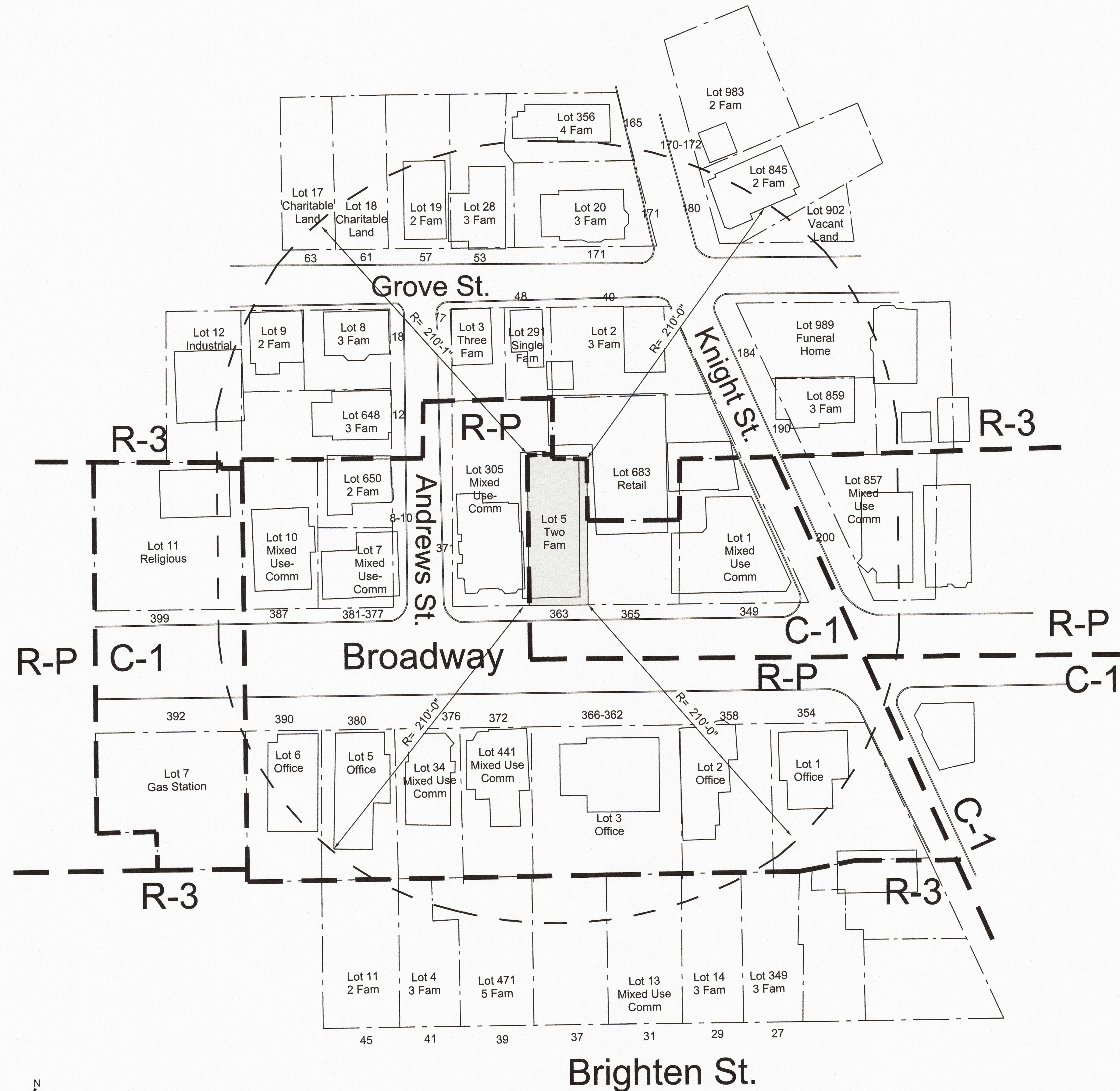
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status key new sht revised unchanged	Rendering	1/29/21	<input checked="" type="radio"/>

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Rendering

sheet
A11
[11 of 13]

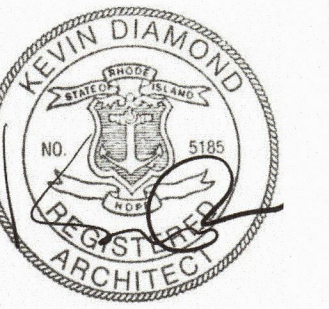
369 Broadway Radius Map & Abutters List



Radius Map
1" = 40'-0"

kevin diamond
ARCHITECT

109 Columbia St
Wakefield, RI 02879
919 886 2426



Providence Living
369 Broadway St
Providence, RI 02909

sheet	status	date	set issued
1	new	1/2/21	Rendering
2	revised		
3	unchanged		

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Radius Map

sheet
A12
[12 of 13]



