

FEB 07 2022

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:** Natalia Angeles Vieyra

Address 518 Sharon Street Providence

E-mail nataliavieyra@gmail.com

Zip Code 02908

Phone \_\_\_\_\_  
*Home/Office*

609-553-0881  
*Mobile (Cell)*

**Owner:** Natalia Angeles Vieyra

Address 518 Sharon Street Providence

E-mail nataliavieyra@gmail.com

Zip Code 02908

Phone \_\_\_\_\_  
*Home/Office*

609-553-0881  
*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:** 518 Sharon Street Providence

*Street Address*

2. **Zoning District(s):** R1

Special purpose or overlay district(s): N/A

3a. **Date owner purchased the Property:** 6/10/2020

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

3. Dimensions of each lot:

Lot # <u>162</u>	Frontage <u>95 ft.</u>	depth <u>87.56 ft.</u>	Total area <u>10780</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>N/A</u>
Footprint <u>N/A</u>	Height <u>N/A</u>	Floors <u>N/A</u>
Accessory Structure:	Total gross square footage	<u>N/A</u>
Footprint <u>N/A</u>	Height <u>N/A</u>	Floors <u>N/A</u>

5. Size of proposed structure(s):

Total gross square footage:	<u>N/A</u>
Footprint _____	Height _____
Floors <u>N/A</u>	

6a. Existing Lot coverage: (include all buildings, decks, etc.) N/A

6b. Proposed Lot coverage: (include new construction) N/A

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

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

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

9. Number of Current Parking Spaces: N/A

10. Describe the proposed construction or alterations (each lot/structure):  
Wooden lattice privacy fence (Height: 6 ft. Length: 58 ft.) running along portion of front lot line.  
\_\_\_\_\_  
\_\_\_\_\_

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>1302.1.2</u>	<u>Providence Zoning Ordinance Article 13, Section 1302.1.2</u>
_____	<u>The applicants seek relief from the height requirement of 3ft. for a fence that is</u>
_____	<u>within 5 ft. of the front lot line.</u>

**13. Explain the changes proposed for the Property.**

Wooden lattice privacy fence (Height: 6 ft. Length: 58 ft.) running along portion of front lot line.

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*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):**

Natalia Angeles Vieyra

Type Name

Signature

Koen Tieskens

Type Name

Signature

Natalia Angeles Vieyra

Type Name

Signature

Koen Tieskens

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?**

See APPENDIX A Supplement

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

See APPENDIX A Supplement

**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 X

**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 X    No \_\_\_

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

See APPENDIX A Supplement

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.

The privacy fence was installed to enhance the safety, privacy, and appearance of the property and was not installed in order to obtain financial gain of any kind.

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).

The fence in its current position is not detrimental or injurious to the health or welfare of the community. Thus, leaving it in its current location represents the least relief necessary to eliminate the hardship.

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.

See APPENDIX A Supplement

## **APPENDIX A Supplement**

1. The applicants seek relief from Article 13, Section 1302.I.2 of the Zoning Ordinance which specifies that a height of 3 ft. for a fence that is within 5 feet of the front lot line. The relocation or removal of the fence will result in a dramatic reduction in the safety, appearance, and privacy of the property. In addition, the relocation or removal of the fence will incur a cost in excess of \$7000, representing a significant financial hardship.

2. The house is situated on a unique double lot with a large back/side yard that extends to the front lot line and as such, requires a fence taller than 36" to enhance the safety, appearance, and privacy of the property. Furthermore, there are several trees growing within 5 ft. of the front lot line, precluding the placement of the fence within the required setback.

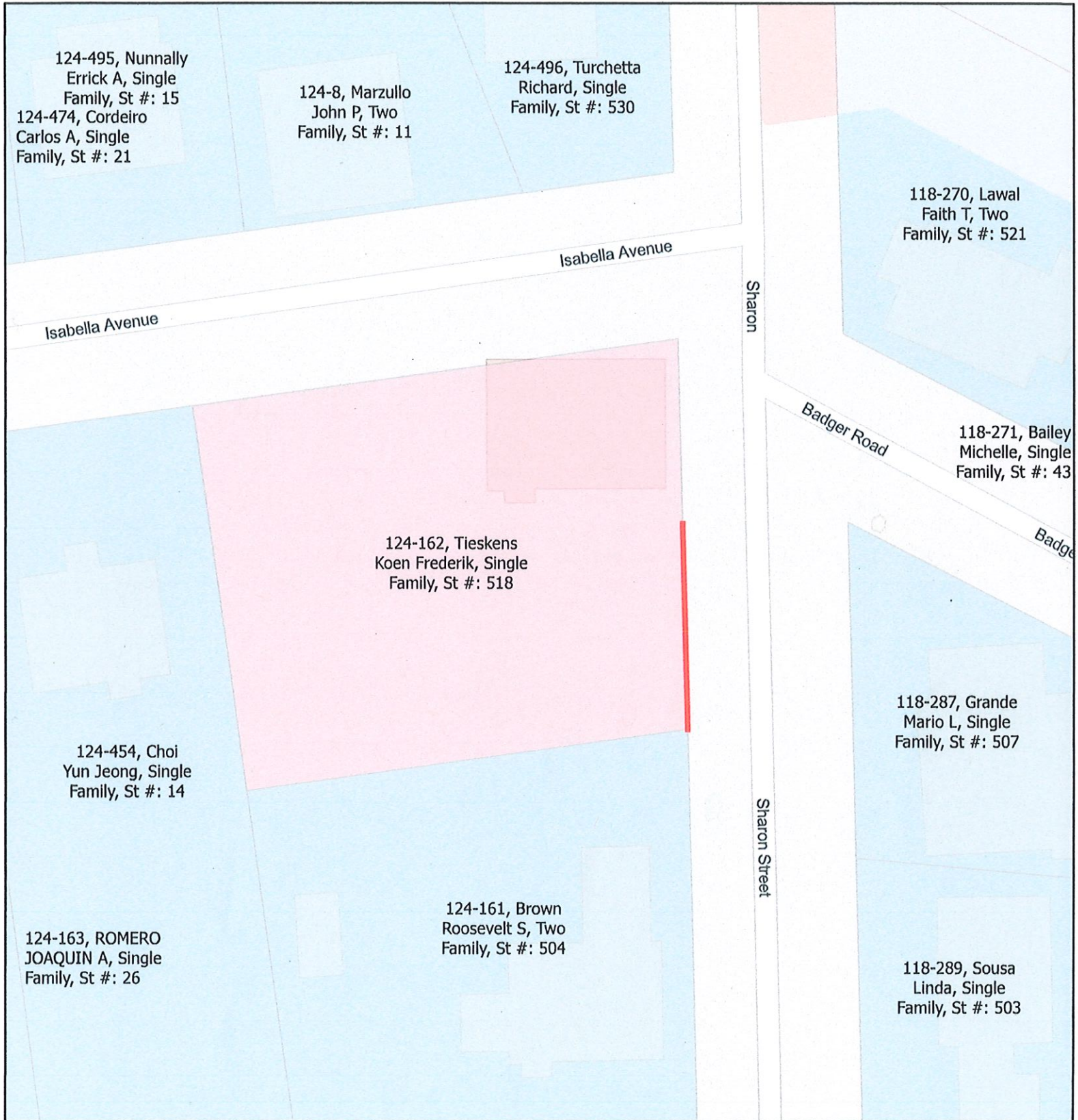
4. In April 2021, a quality wooden lattice privacy fence (height: 6 ft. length: 58 ft.) was installed along a portion of the front lot line of 518 Sharon Street. The privacy fence replaced a dilapidated chicken wire fence and overgrown landscaping inherited from the former owners when the property was purchased in June 2020, elements which constituted a violation of Article 13, Sections 1301.I.1a and 1502.E.2 of the Providence Zoning Ordinance. The addition of the privacy fence was intended to remedy these violations and the fencing company, Professional World Fence, provided assurances that the new fence conformed to the Providence Zoning Ordinance.

8. There are several established trees within 5 feet of the front lot line, including an approximately 70-year-old oak tree with a diameter of 20 in. that will represent a Significant Tree (see Article 15, Section 1502.B.1) in several years' time. These trees preclude the relocation of the fence to the required setback of 5 feet from the front lot line. To relocate the fence will require the removal of the trees to the detriment of the health and wellness of neighboring residents or result in an untoward reduction in the size of the property. If the fence is required to conform to the height specifications outlined in the Zoning Ordinance (36" in height), the privacy, safety, and appearance of the property will be greatly reduced. Sharon Street is a busy thoroughfare which often experiences high traffic, speeding violations, and the presence of illegal ATVs and motorcycles. The current fence acts as a noise barrier and provides safety to the small children living on the property. Additionally, the current fence serves as a deterrent for vandals and burglars - prior to the installation of the fence, several break-in attempts occurred. Finally, the position of the fence along the front lot line acts as a deterrent to littering from passerby, a major nuisance.



# Proposed Fence

518 Sharon Street  
Lot 124-162  
Created by: Koen Tieskens  
2/3/2022



0 10 20 40 US Feet



1 inch equals 32 feet



- Parcel owned by applicant
- Parcels within 200 ft radius
- Proposed\_fence

















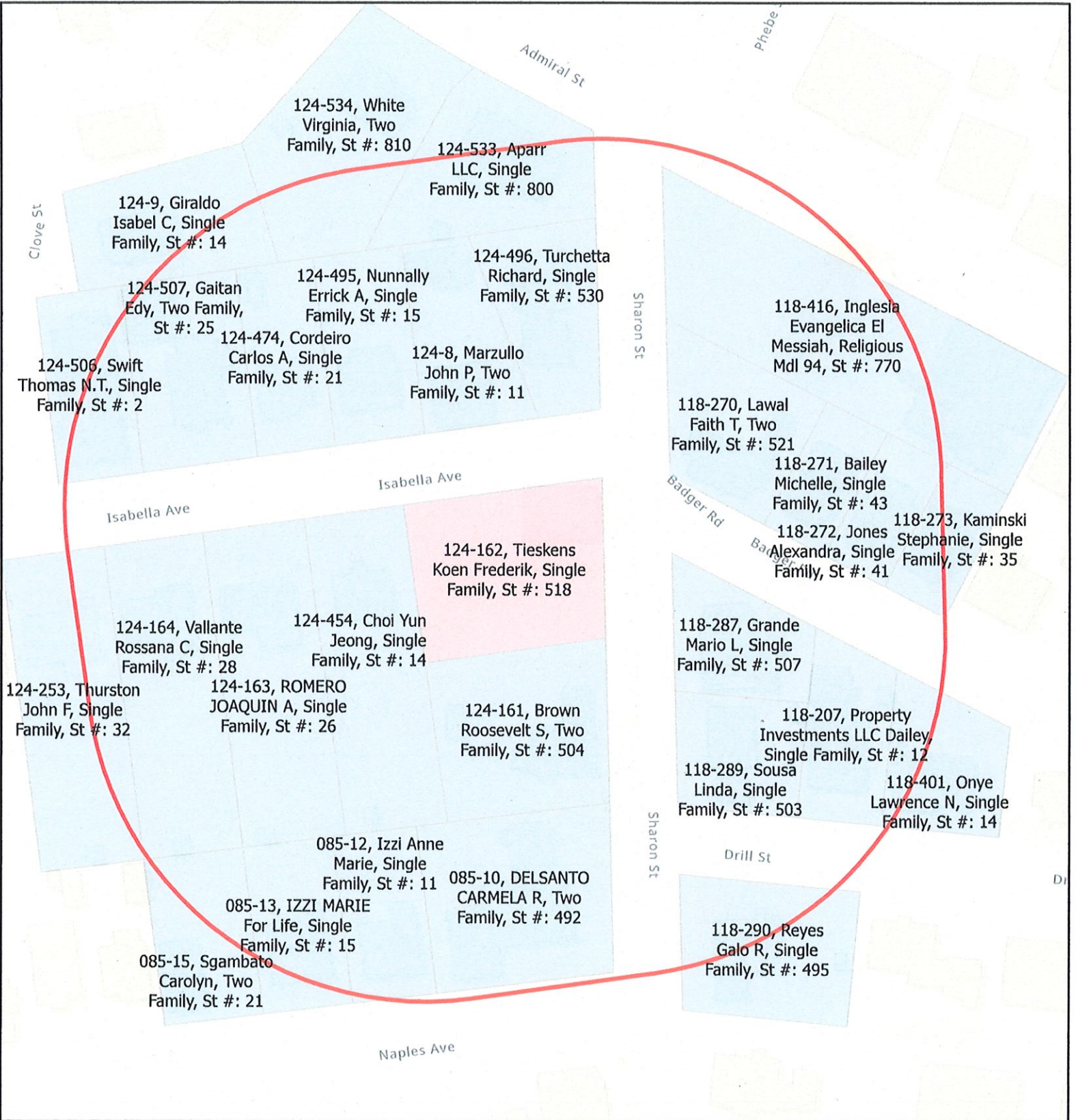
# 200 feet Radius Plan

518 Sharon Street

Lot 124-162

Created by: Koen Tieskens

21/21/2021



1 inch equals 78 feet

N

200 ft. radius

Parcel owned by applicant

Parcels within 200 ft radius