

MAY 11 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: Diaz Investments LLC / Luis Diaz

E-mail ladelectric@gmail.com
Phone _____
Home/Office

Address 44 Mollie Drive Cranston, RI
Zip Code 02921
401.473.7537
Mobile (Cell)

Owner: Diaz Investments, LLC

E-mail ladelectric@gmail.com
Phone _____
Home/Office

Address 44 Mollie Drive Cranston, RI 02921
Zip Code 02921
401.473.7537
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:** 70-72 CYPRESS STREET AP 5 LOT 463
Street Address
R-3

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

3a. **Date owner purchased the Property:** April 2022

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

3. Dimensions of each lot:

Lot # <u>463</u>	Frontage <u>50'</u>	depth <u>88.62</u>	Total area <u>4434</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>3402 SF</u>
Footprint <u>27'X42'</u>	Height <u>40'</u>	Floors <u>3</u>

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.) 28%

6b. Proposed Lot coverage: (include new construction) 28%

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

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

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

9. Number of Current Parking Spaces: 3

10. Describe the proposed construction or alterations (each lot/structure):
CONVERT FINISHED ROOMS ON THIRD FLOOR TO A NEW APARTMENT. ADD A KITCHEN TO THE THIRD FLOOR. ADD NEW INTERIOR FRONT STAIRWAY TO THIRD FLOOR

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 T4-1</u>	<u>DIMENSIONAL STANDARDS-MINIMUM LOT AREA</u>
_____	_____
_____	_____

13. Explain the changes proposed for the Property.

A NEW THIRD FLOOR APARTMENT IS PROPOSED FOR A TOTAL OF THREE APARTMENTS. THE EXISTING FINISHED BEDROOMS WILL REMAIN AND A NEW KITCHEN AND BATHROOM WILL BE ADDED. AN INTERIOR STAIRWAY IS PROPOSED AT THE FRONT. 5000 SF OF LAND AREA IS REQUIRED, 4434 SF IS PROVIDED (A 566 SF SHORTFALL). THE RELIEF REQUESTED IS WITHIN 11.32% OF THE REQUIREMENT

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):

Luis Diaz / Diaz Investments, LLC

Luis Diaz / Diaz Investments LLC

Type Name

Type Name



Signature

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?**

A LOT AREA SHORTFALL OF 566 SF

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

LOT SIZE AND UNEQUAL SIDE YARD DIMENSIONS

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

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.

RATHER TO UTILIZE THE EXISTING THIRD FLOOR AS A SEPARATE DWELLING UNIT. THE CURRENT CONFIGURATION SEPARATES THE SECOND AND THIRD FLOOR LIVING SPACES WITH THE CONNECTING STAIR ACCESSED THROUGH THE COMMON HALLWAY

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).

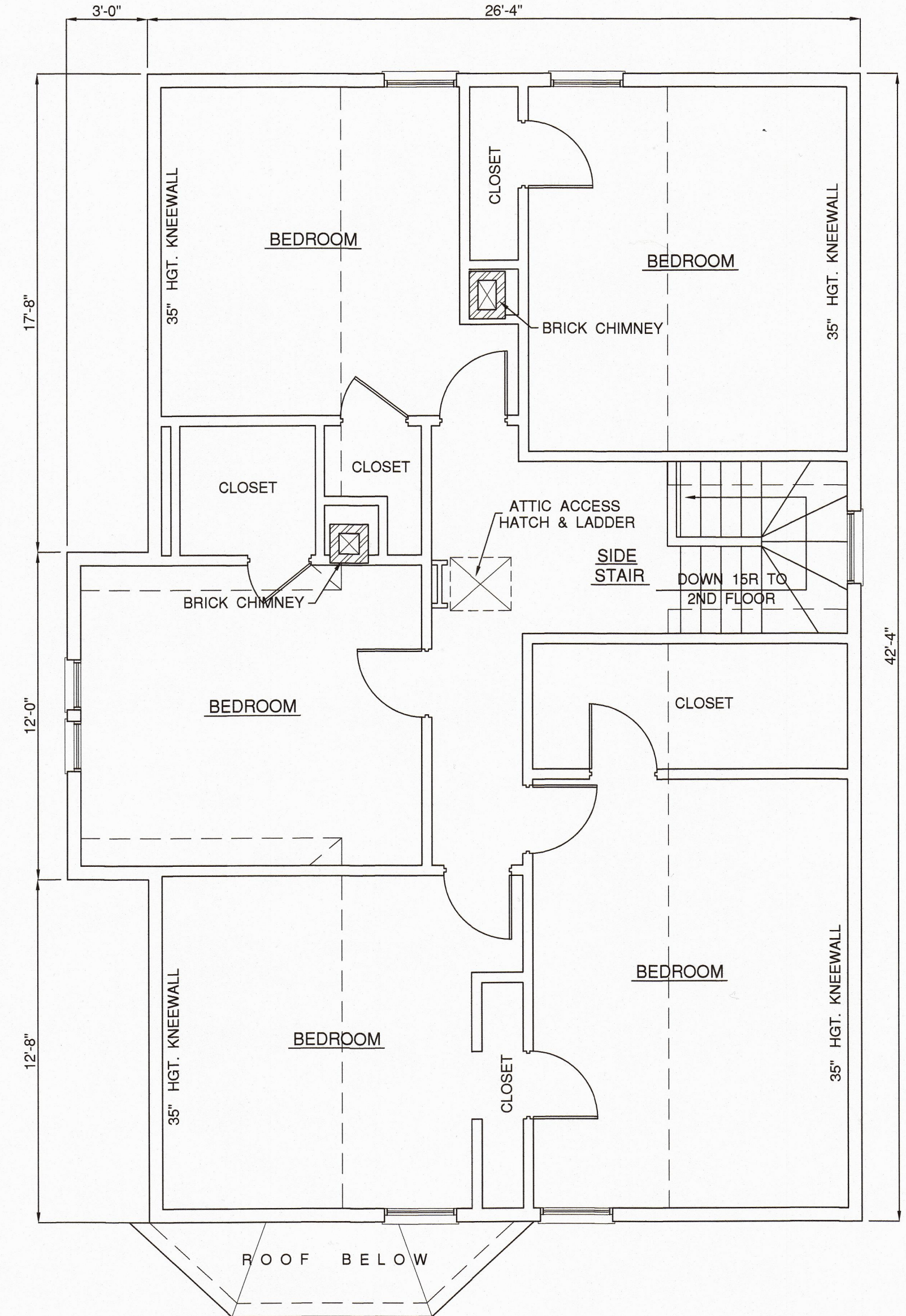
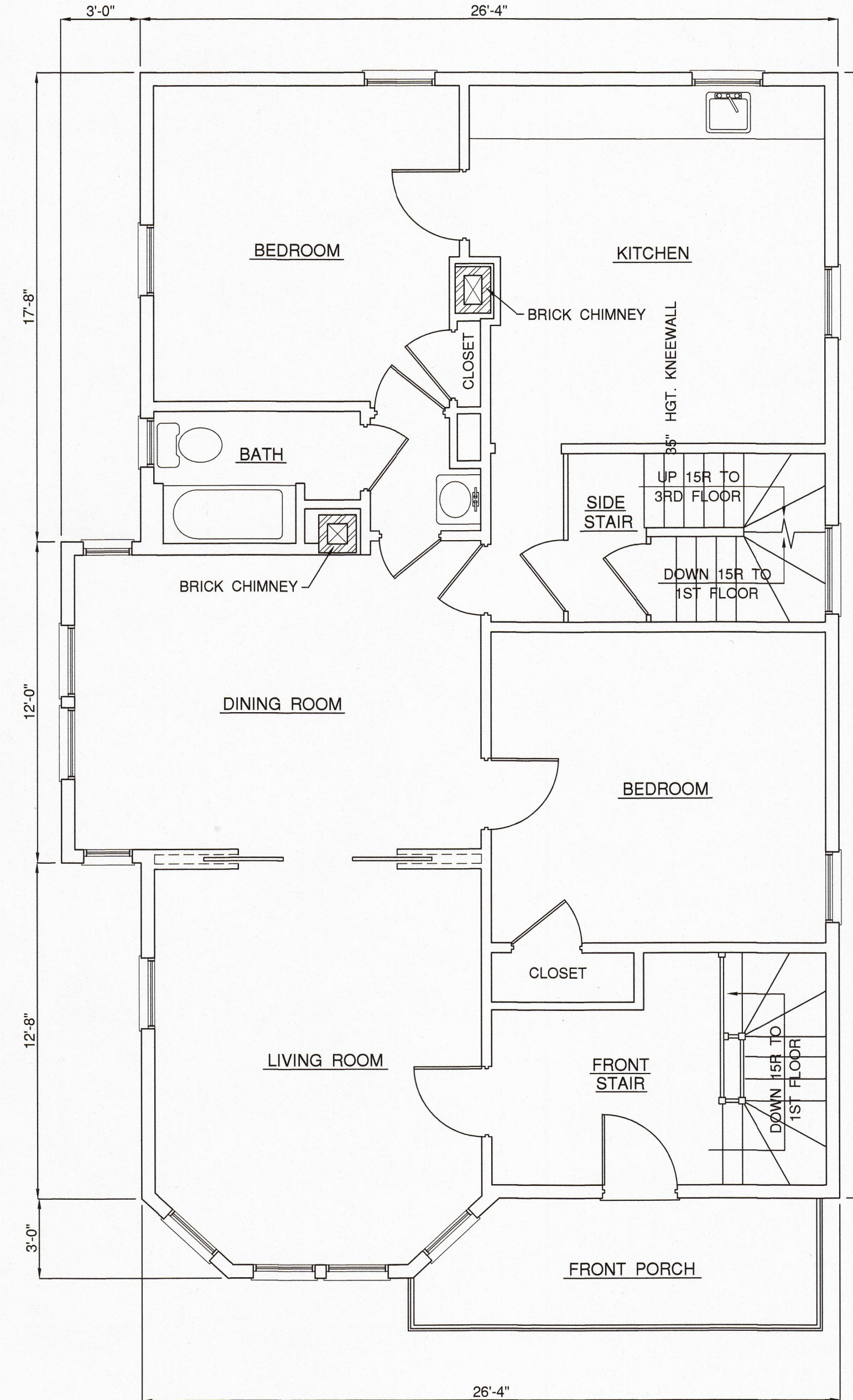
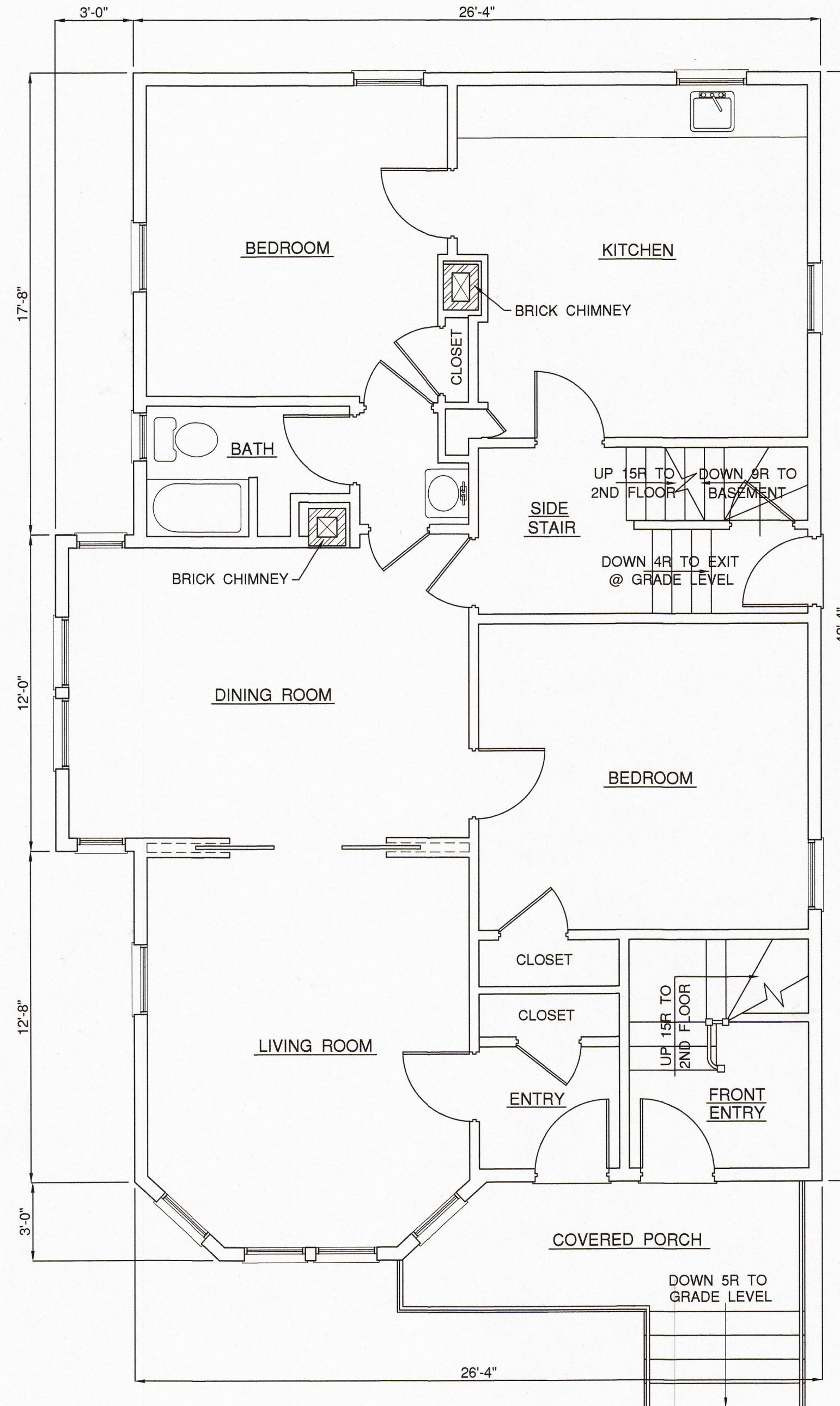
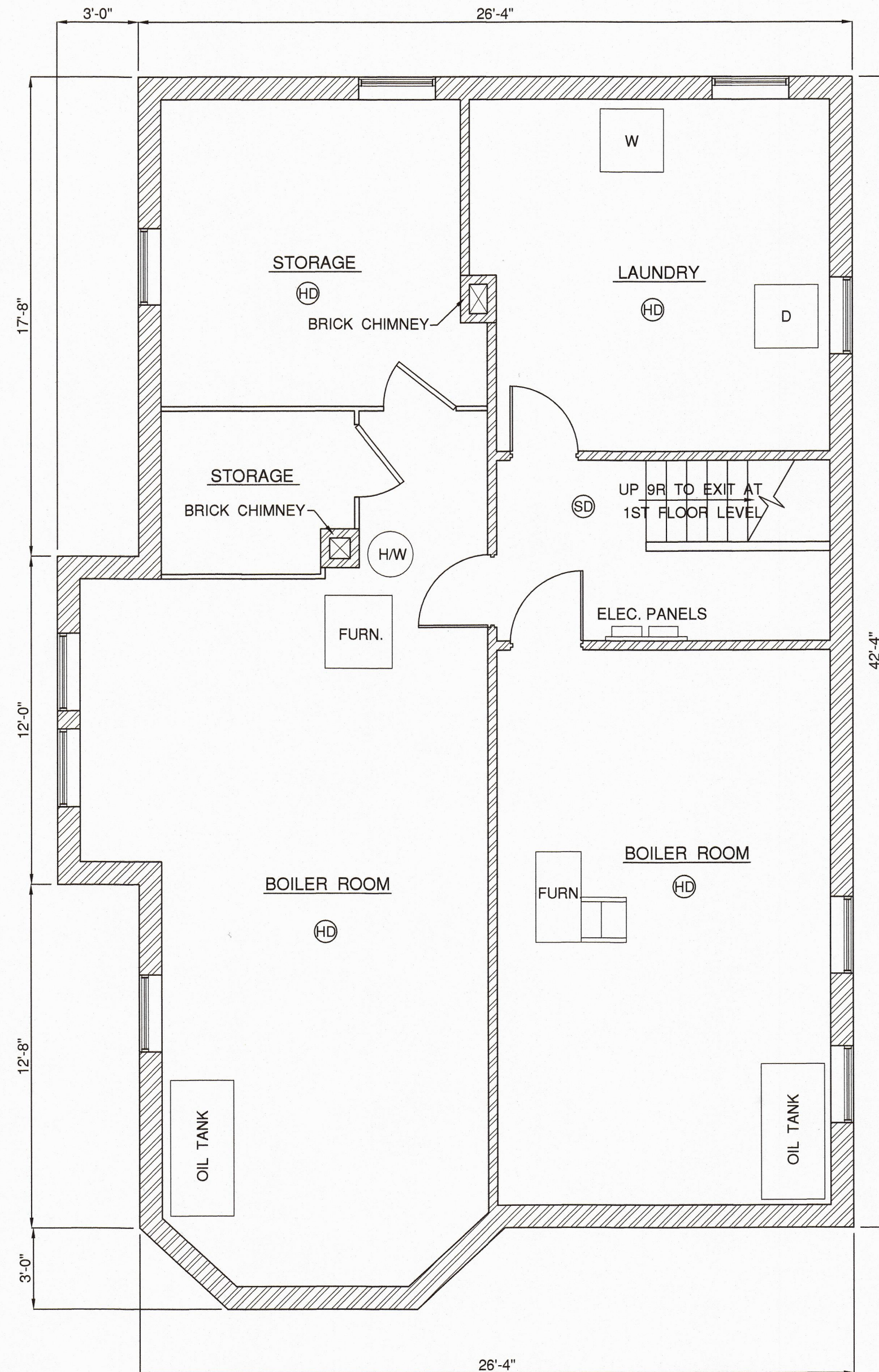
THE EXISTING UNDERSIZED, NONCONFORMING LOT CAUSES THE HARDSHIP AND THAT IS THE ONLY RELIEF REQUESTED. THERE ARE NO VIABLE ALTERNATIVES WITHOUT SEPARATING THE SECOND AND THIRD FLOORS. THE LEAST RELIEF NECESSARY TO UNBURDEN THE OWNER OF THE HARDSHIP IS REQUESTED

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.

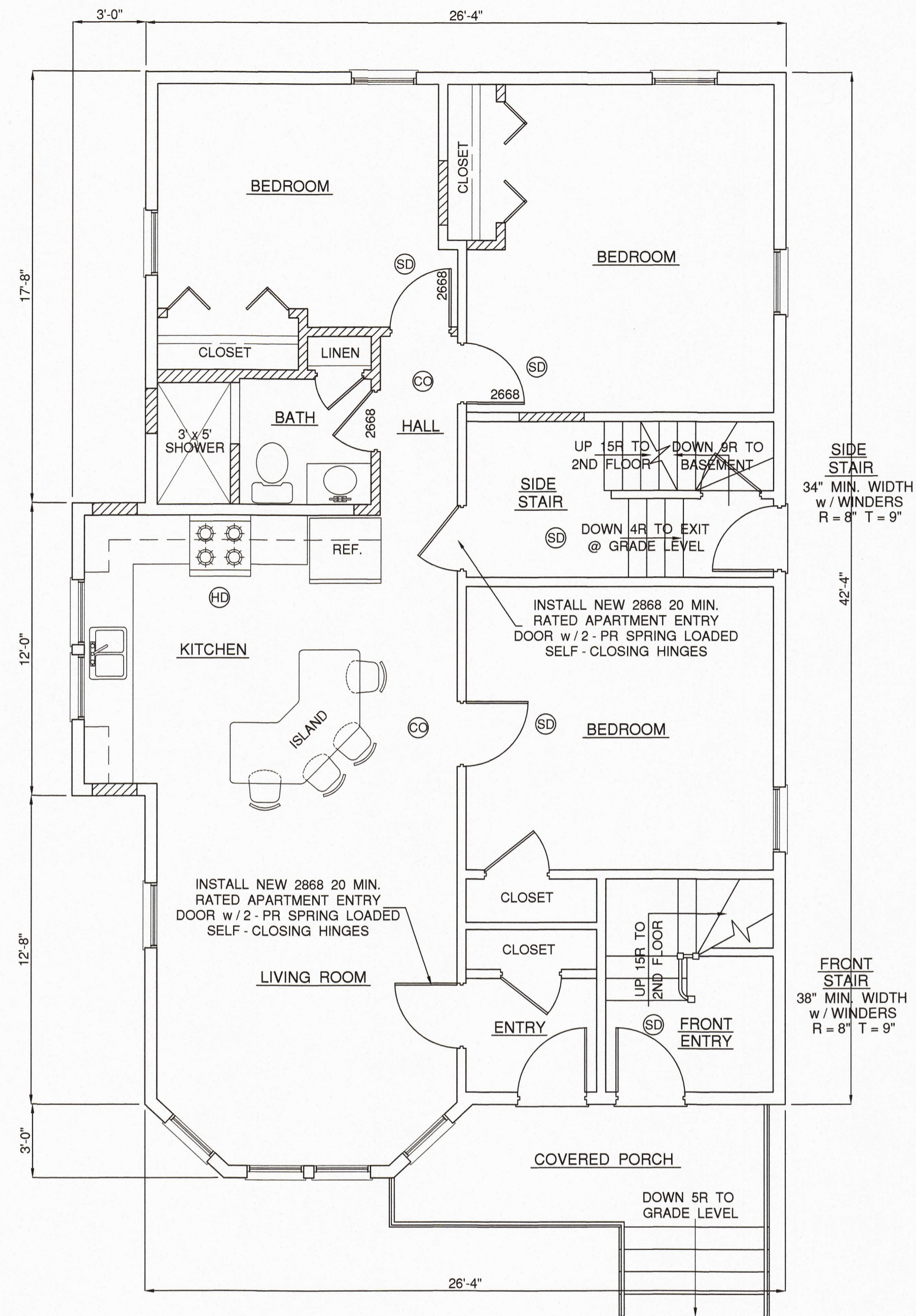
8. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.

IF DENIED, THE OWNER WOULD SUFFER A HARDSHIP BEYOND A MERE INCONVENIENCE AS THE EXISTING TOWNHOUSE WOULD REMAIN AS A VERY LARGE, EIGHT BEDROOM UNIT. THIS IS INCONSISTENT WITH OTHER APARTMENTS IN THE AREA AND WILL RESULT IN A LOSS OF THE HIGHEST AND BEST USE OF THE PROPERTY TO SATISFY CURRENT MARKET

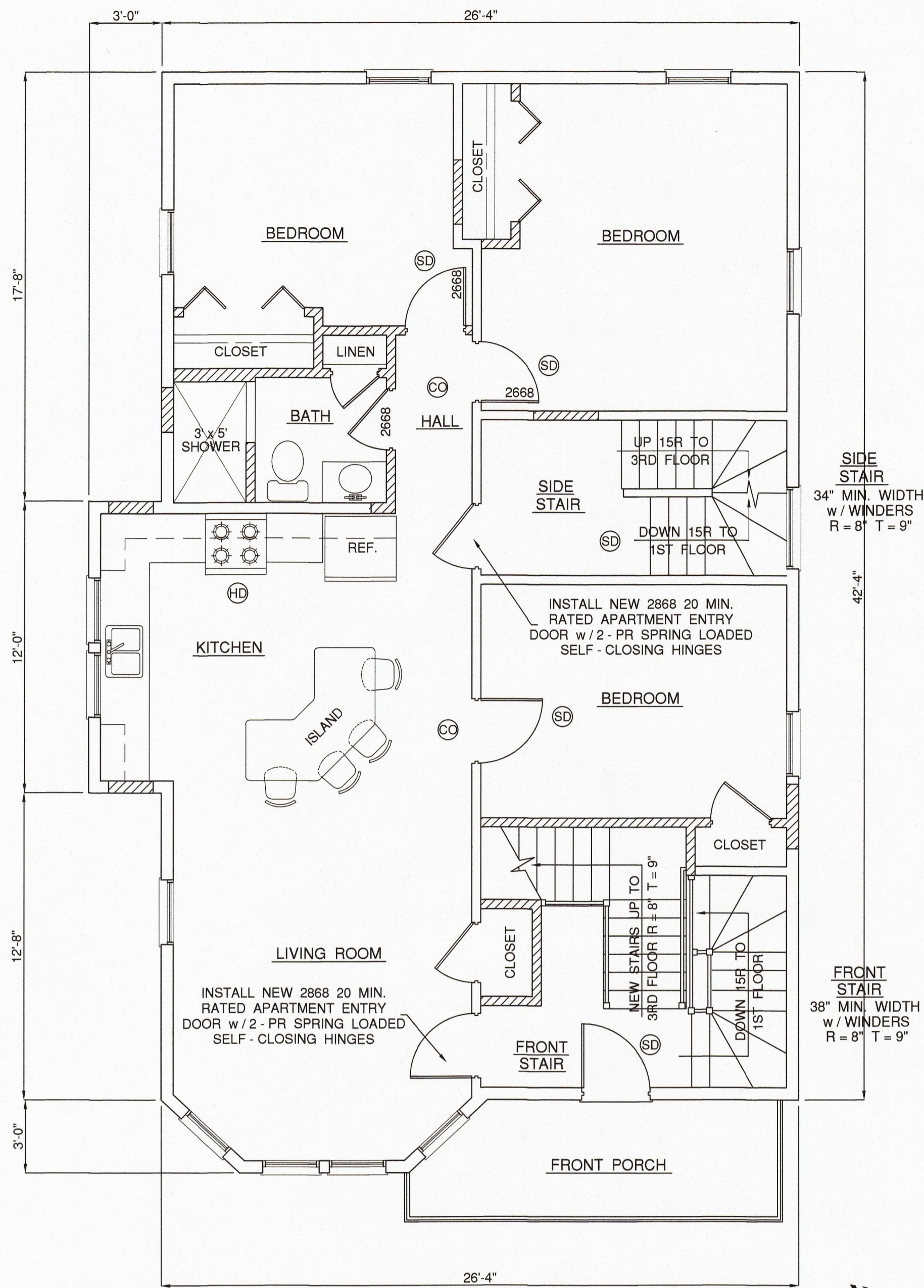
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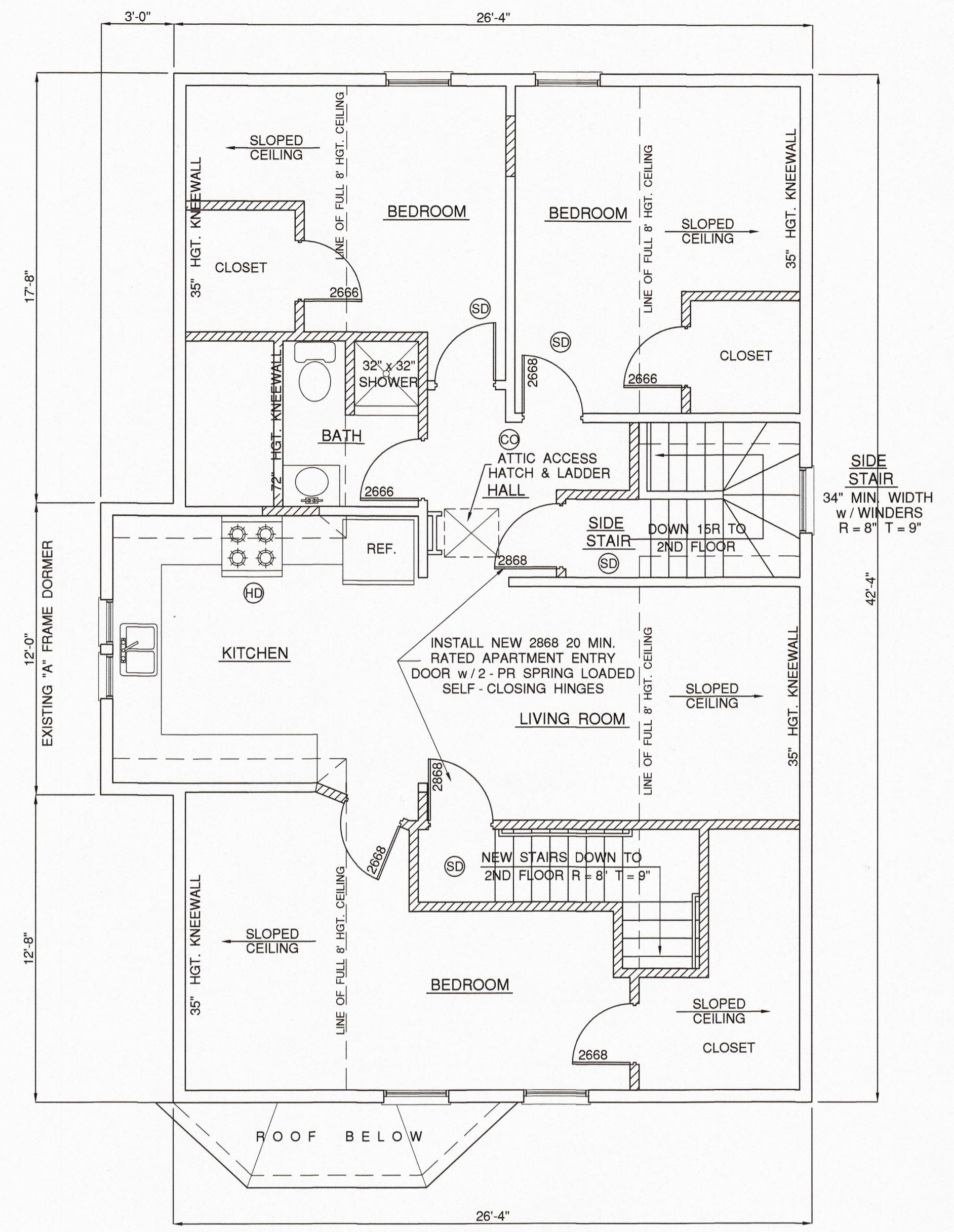
Project : EXISTING FLOOR PLANS BASEMENT, 1ST 2ND & 3RD FLOORS 70 - 72 CYPRESS STREET PROVIDENCE, R.I.	Date : 5/9/22
	Scale : AS NOTED
	Drawn By : GB
	A.P. : 5
	Lot No. : 463
Greg W. Bagian (401)-464-2601	Revision : _____ Date : _____
	Drawing No. : 1 DWG 1 OF 2



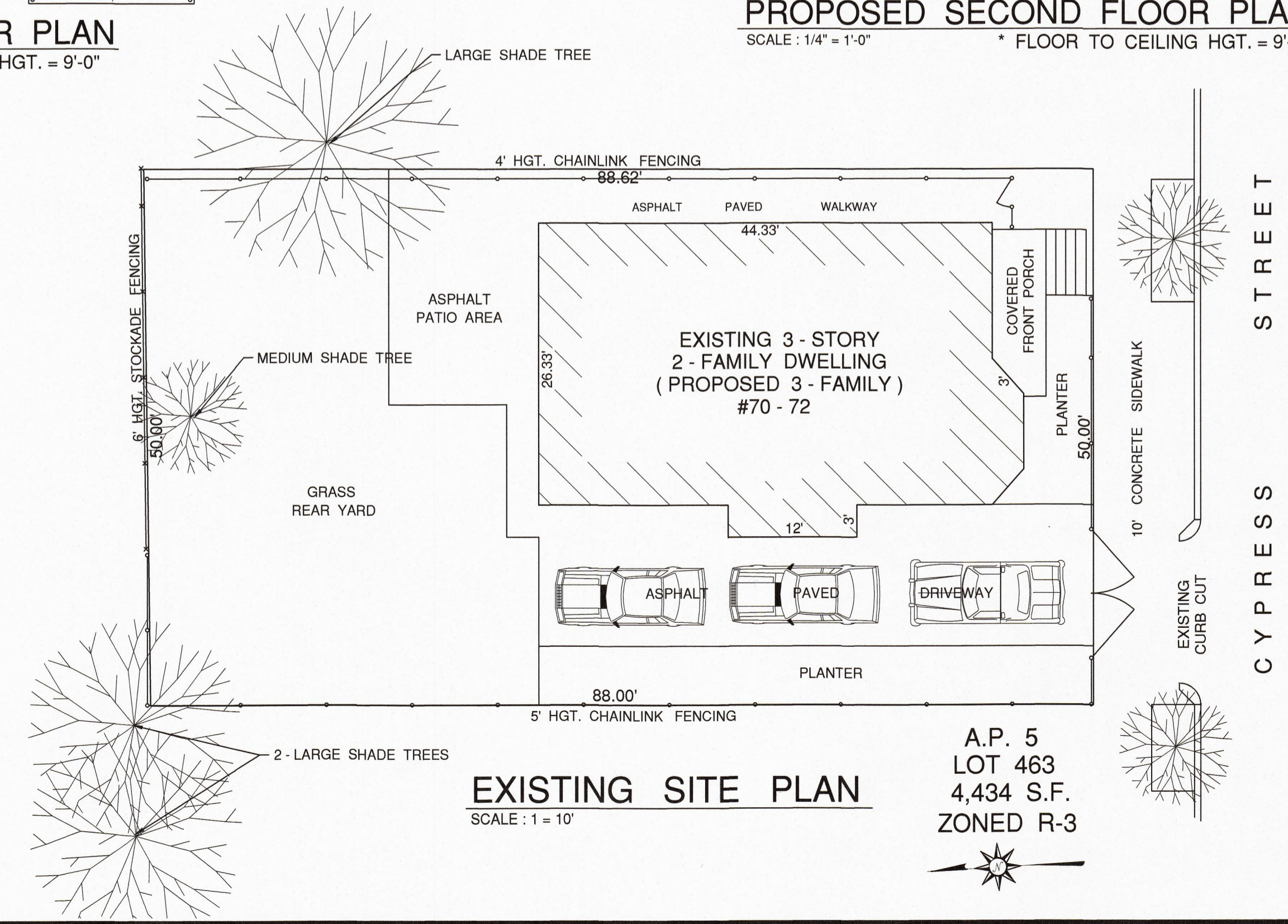
PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0" * FLOOR TO CEILING HGT. = 9'-0"



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0" * FLOOR TO CEILING HGT. = 9'-0"



PROPOSED THIRD FLOOR PLAN
 SCALE: 1/4" = 1'-0" * FLOOR TO FULL CEILING HGT. = 8'-0"



EXISTING SITE PLAN
 SCALE: 1" = 10'

A.P. 5
 LOT 463
 4,434 S.F.
 ZONED R-3

CANOPY COVERAGE :
 3 LARGE SHADE TREES = 3,000 SQ. FT.
 1 MEDIUM SHADE TREE = 500 SQ. FT.
 3,500 SQ. FT. = 79%

PROPOSED LOT COVERAGE :
 BUILDING FOOTPRINT = 1,181 SQ. FT.
 COVERED PORCH &
 EXTERIOR STAIRS = 96 SQ. FT.
 TOTAL : 1,277 SQ. FT. = 29%

GRASS & PLANTED
 AREAS = 1,964 SQ. FT. = 44%

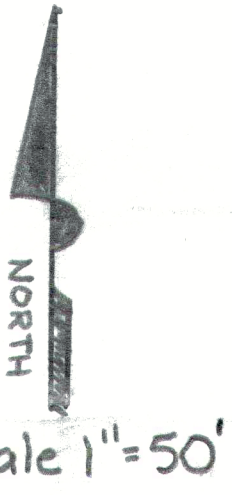
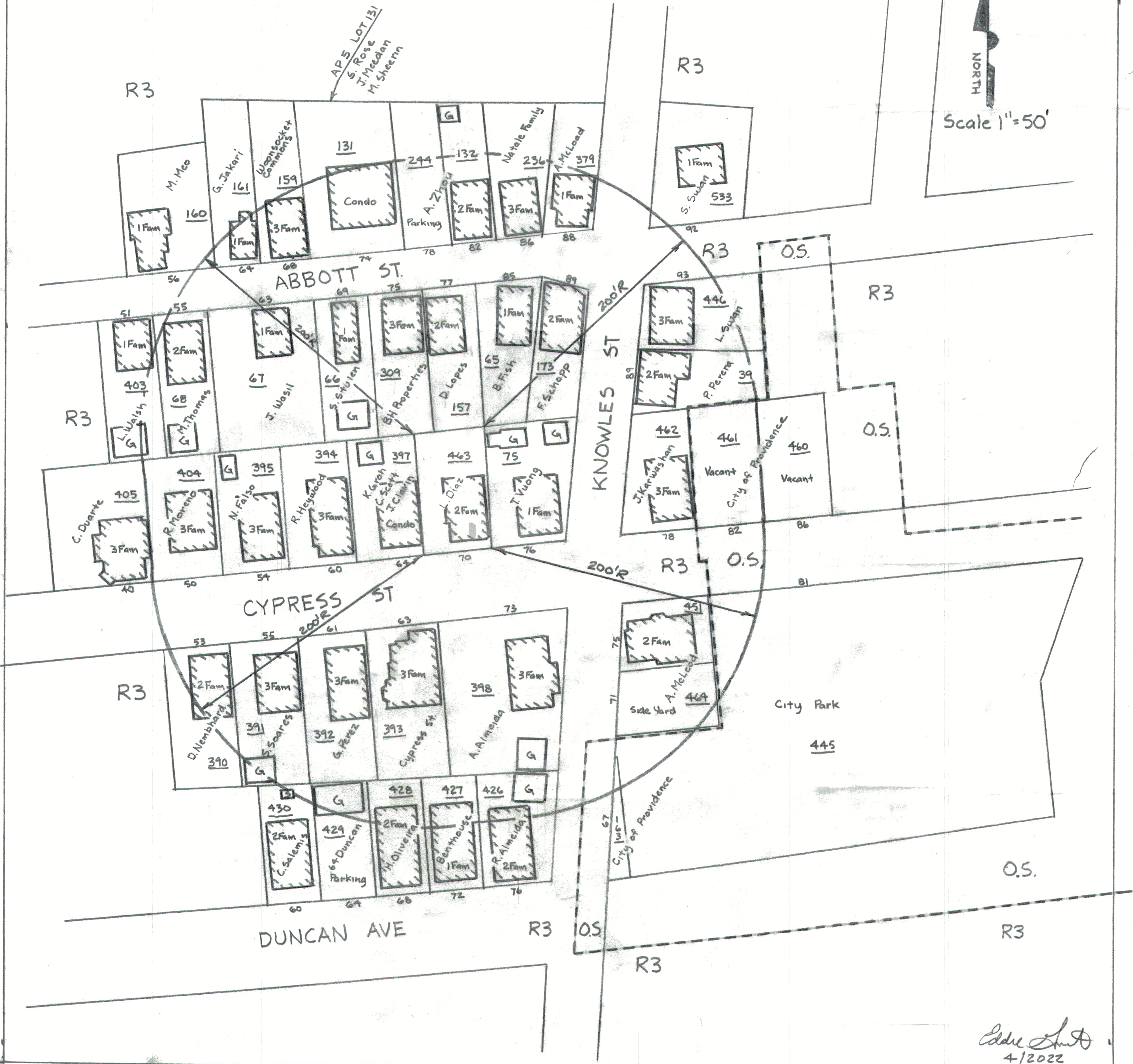
IMPERVIOUS PAVING
 AREA = 1,193 SQ. FT. = 27%

Project :		Date :
PROPOSED FLOOR PLANS 1ST, 2ND & 3RD FLOORS / EXISTING SITE PLAN		5/9/22
70 - 72 CYPRESS STREET PROVIDENCE, R.I.		Scale : AS NOTED
		Drawn By : GB
		A.P. : 5
		Lot No. : 463
Revision :		Date :
Drawing No. :		
Greg W. Bagian (401)-464-2601		2
		DWG 2 OF 2

200 FT RADIUS PLAN

AP 5 LOT 463 - 70 CYPRESS ST.

NOTE: ALL PARCELS WITHIN AP 5



Eddie Smith
4/2022







