

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

INSPECTION & STANDARDS
RECEIVED

MAY 07 2024

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 Variance

** Attach APPENDIX B to apply for a Special Use Permit

If a section of the application is not applicable, please indicate this by using N/A in that field.

Applicant: Jose Amado Duran Castillo

Email: johanna.globalrealtor@gmail.com

Phone: 401-432-4339

Applicant Mailing Address

Street: 83 Fairfield Rd,

City, State, Zip: Cranston RI, 02910

Owner: Jose Amado Duran Castillo

Email: johanna.globalrealtor@gmail.com

Phone: 401-432-4339

Owner Mailing Address

Street: 83 Fairfield Rd

City, State, Zip: Cranston RI 02910

Lessee: _____

Email: _____

Phone: _____

Lessee Mailing Address

Street: _____

City, State, Zip: _____

Attorney: _____

Email: _____

Phone: _____

Attorney Mailing Address

Street: _____

City, State, Zip: _____

Does the proposal require review by any of the following:

- ☐ Downtown Design Review Committee
☐ I-195 Redevelopment District Commission
☐ Capital Center Commission
☐ Historic District Commission

1. Street Address of Subject Property: 77 Union Ave, Providence RI 02907

Plat and Lot Numbers of Subject Property: AP 37 LOT 479

2. Base Zoning District(s): R3
Overlay District(s): none

3a. Date owner purchased the Property: _____

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

4. Dimensions of each lot:

Lot # <u>479</u>	Width <u>90.2</u>	Depth <u>80</u>	Total area <u>5625</u> sq. ft.
Lot # _____	Width _____	Depth _____	Total area _____ sq. ft.
Lot # _____	Width _____	Depth _____	Total area _____ sq. ft.
Lot # _____	Width _____	Depth _____	Total area _____ sq. ft.

5a. Size of existing structure(s) located on the Property:

Principal Structure:

Area of Footprint 2791 SQ FT

Overall Height _____

of Stories _____

Accessory Structure:

Area of Footprint _____

Overall Height _____

of Stories _____

5b. Size of proposed structure(s) located on the Property:

Principal Structure:

Area of Footprint 317 sq ft

Overall Height _____

of Stories 1

Accessory Structure:

Area of Footprint _____

Overall Height _____

of Stories _____

6a. Existing Lot Coverage:

Building Coverage (area of all roofed structures) 2791 SQ FT

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 2791 SQ FT

Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) none

Front Yard Impervious Coverage (area of structures and impervious surface in front yard) none

6b. Proposed Lot Coverage:

Building Coverage (area of all roofed structures) 3108 SQ FT

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 3108 SQ FT

Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) none

Front Yard Impervious Coverage (area of structures and impervious surface in front yard) none

7a. Present Zoning Use of the Property: 4 family & convenient store & 2 family

7b. Legal Zoning Use of the Property as recorded in the Dept. of Inspection & Standards:

4 family & 2 family & store

8. Proposed Zoning Use of the Property: same

9. Number of Parking Spaces:

of existing spaces 6 # of proposed spaces 6

10. Are there outstanding violations concerning the Property under any of the following:

____ Zoning Ordinance ____ RI State Building or Property Maintenance Code(s)

11a. List all Zoning Ordinance Sections from which a variance is sought:

<u>Section Number</u>	<u>Section Title + Quantity of relief, if applicable (eg. 4' setback where 6' required)</u>
4-3	Table 4-1 (max impervious surface coverage of 45% for R-3)
	Dimensional variance due to allowed coverage of 45%, Currently the property is occupying 49.6%, The
	proposed extension will increase coverage to 55.25%, We are requesting a relief
	for 10.25% over the acceptable coverage.

11b. Identify the section(s) of the Zoning Ordinance that provide for the special use permit, and list all section(s) which provide Use Standards for the proposed Special Use(s):

<u>Section Number</u>	<u>Section Title</u>
1202.T	Table 12-1 R-3 (S) use Matrix and section 2006. B.2 to enlarge existing use by special use permit
	requesting a special use permit for the expansion of the existing Neighborhood commercial establishment.

12. Summarize any changes proposed for the Property (use, construction/renovation, site alteration):

The Proposed is an addition to expand the business: 1 story addition =(317 sq ft)
There is currently an existing extension. proposed addition will replace the structure currently in place.

The area of disturbed will have a small tree (Acer Truncatum)

requesting a variance for relief of the acceptable coverage. Also requesting a special use permit in order to expand the existing commercial establishment.

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. As indicated on the instructions page, this application may not be signed by an attorney on behalf of their client(s).

Owner(s):

Jose Amado Duran Castillo

Type Name

✓

Signature

Type Name

Victor Duran

Signature

Applicant(s):

Type Name

Signature

Type Name

Signature

All applicable requirements listed and described on the Instruction Sheet shall be met or this application will not be considered complete.

APPENDIX A

APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(d) and (e) require 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(a)(16);
2. That the hardship is not the result of any prior action of the applicant;
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; and
4. (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, meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted.

Please provide the following information:

1. **What is the specific hardship from which the applicant seeks relief?**

Currently seeking to convert an existing structure to a permanent building extension.

2. **Specify all unique characteristics of the land or structure that cause the hardship:**

There is an existing covered deck. (12x24) the proposed addition will replace the current structure and will not alter its surroundings.

The area of disturbance will have a small Acer Truncatum tree.

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 ^x _____

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

5. 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:

:

6. 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:

The full lot (5626 SQ FT) is currently covered with building and asphalt. The proposed addition will grant access to the current structure.

per table 4-1 Residential District Dimensional Standards
and R3 zone has a maximum impervious surface coverage of 45%

The lot area is 5625 SQ FT
Building area is 2790 SQ FT
Proposed Extension 317 SQ FT
Current Lot Coverage is 49%

requesting a dimensional variance due to the total lot coverage is covered with building and asphalt. The current parking will remain with 6 parking spaces as well as a covered dumpster.

**IF MORE ROOM IS NEEDED TO ANSWER ANY OF THE ABOVE QUESTIONS, PLEASE SUBMIT AN
ADDENDUM TO THIS APPENDIX WITH COMPLETE RESPONSES.**

APPENDIX B

APPLICATION FOR SPECIAL USE PERMIT

In accordance with Rhode Island General Laws § 45-24-42(b), Section 1901 of the Zoning Ordinance requires that the Applicant for a special use permit demonstrate:

1. That the proposed special use is set forth in the ordinance and complies with the applicable use standards for the authorization of a special use permit;
2. That the proposed special use will not substantially injure the use and enjoyment of nor significantly devalue neighboring property; and
3. That the proposed special use will not be detrimental or injurious to the general health or welfare of the community.

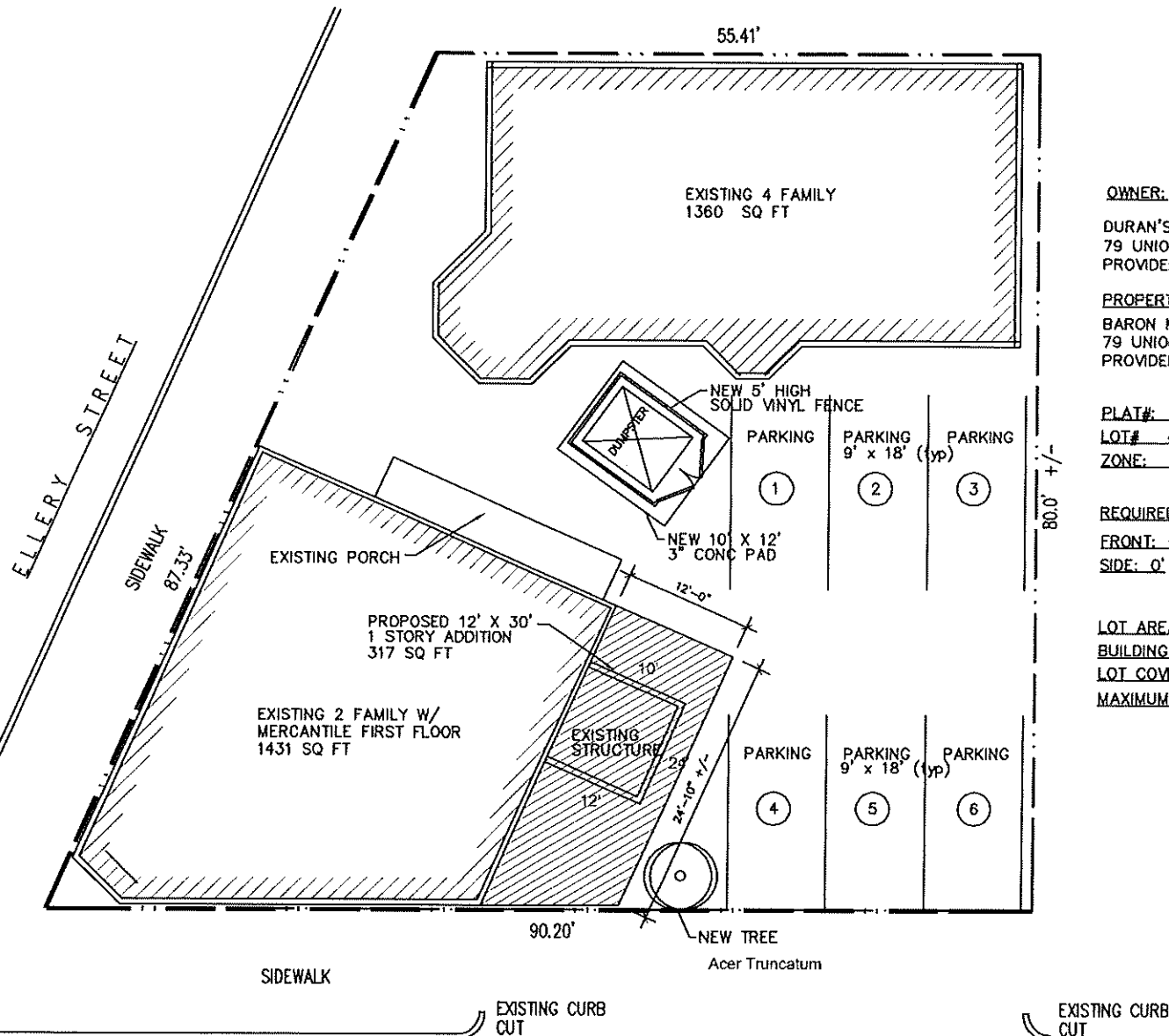
Please provide the following information:

1. Indicate the Ordinance section(s) which provide Use Standards for the proposed Special Use(s); and State all facts that demonstrate that the proposed special use will be in conformance with the Use Standards for the proposed Special Use(s):
sec 1202.T
table 12-1
R3 (s)

-
2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property and will not significantly devalue neighboring property:
The property addition will not present changes to the current existing structure already in place. the proposed structure will replace it.

-
3. 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 proposed structure will not be in harms way. It is an extension of the current structure. it will provide an expansion to the business and beneficial to the community.

**IF MORE ROOM IS NEEDED TO ANSWER ANY OF THE ABOVE QUESTIONS, PLEASE SUBMIT AN
ADDENDUM TO THIS APPENDIX WITH COMPLETE RESPONSES.**



OWNER:

DURAN'S ENTERPRISE LLC
79 UNION AVENUE
PROVIDENCE, RI 02907

PROPERTY ADDRESS

BARON MARKET
79 UNION AVE
PROVIDENCE, RI 02907

PLAT#: 37

LOT# 479

ZONE: R3- 4 FAMILY

REQUIRED SETBACKS:

FRONT: 0'

SIDE: 0'

LOT AREA: 5625 SQ FT

BUILDING AREA: 2790 SQ FT

LOT COVERAGE: 49%

MAXIMUM LOT COVERAGE: NONE

1 SITE PLAN
A1 SCALE 1"=10'-0"

UNION AVENUE

MANOUKIAN
A.R.C.H.I.T.E.C.T

ARCHITECT OF THE AMERICAN INSTITUTE OF ARCHITECTS
25 REEDY HILL DRIVE WEST BARNSTABLE, MA 01903
TEL: (401) 860-0000 FAX: (401) 860-0001

PROPOSED ADDITION TO:

BARON MARKET
77 UNION AVE
Providence, RI 02907

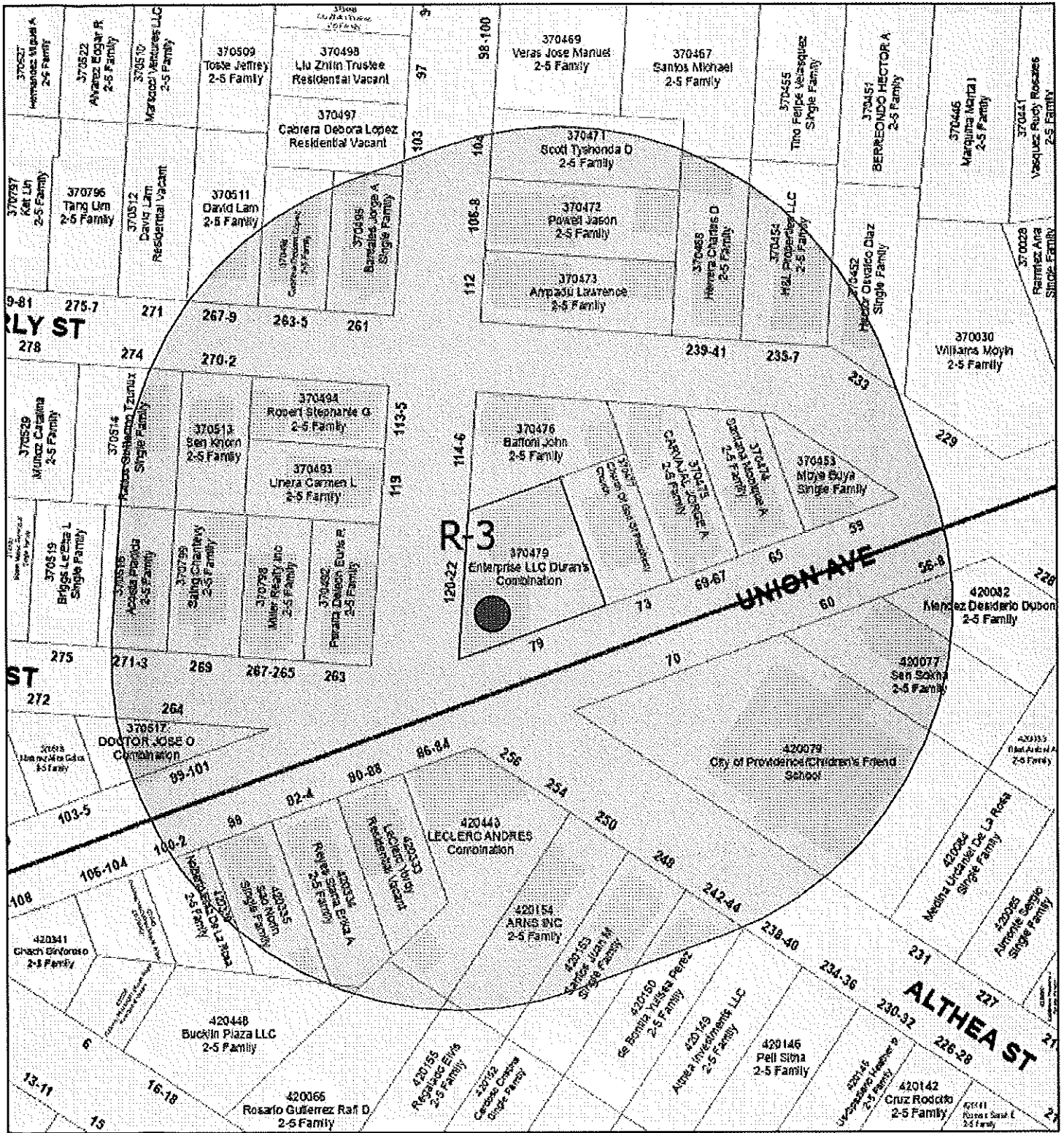
REVISIONS

DATE	REVISIONS
11/24/23	ISSUE
1/1/24	REVISED
5/1/24	REVISED

STAMP

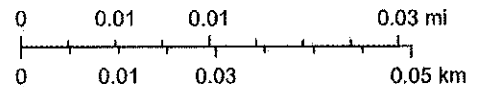
S-1

77 union ave Radius Map



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