

MAR 08 2021

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: JOSEPH COLALUCA

Address 566 SMITH ST. PROVIDENCE, RI

Zip Code 02908

E-mail joe@striveri.com

Phone 401.270.8878

Home/Office

401.569.2208

Mobile (Cell)

Owner: RISE REALTY LLC

Address 566 SMITH STREET PROVIDENCE, RI

Zip Code 02908

E-mail joe@striveri.com

Phone 401.270.8878

Home/Office

401.569.2208

Mobile (Cell)

Lessee: _____

Address _____

Zip Code _____

E-mail _____

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:** 827 RIVER AVENUE AP 123. LOT 189

Street Address

R-2

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

Special purpose or overlay district(s): _____

3a. **Date owner purchased the Property:** 11/2020

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

13. Explain the changes proposed for the Property.

~~DIMENSIONAL RELIEF IS SOUGHT TO ALLOW A FUTURE TWO FAMILY, FULLY COMPLIANT WITH ALL OTHER DIMENSIONAL CRITERIA, TO BE PERMITTED ON THIS EXISTING LOT OF 3860 SF WHERE 4000 SF IS REQUIRED. THE REQUESTED RELIEF IS WITHIN 10% (3.5%) 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):

JOISEPH COLALUCA

Type Name

Signature

Type Name

Signature

Applicant(s):

JOSEPH COLALUCA

Type Name

Signature

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?**

INSUFFICIENT LAND AREA

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

SIZE AND AREA OF THE 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 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. THERE IS NO LAND AVAILABLE FROM ANY OF THE SURROUNDING LOTS TO INCREASE THE LOT AREA WITHOUT INTENSIFYING EXISTING NONCONFORMITIES.

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.

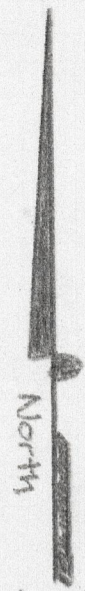
8. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.

IF DENIED, THE OWNER WOULD SUFFER A HARDSHIP BEYOND A MERE INCONVENIENCE AS THE HIGHEST AND BEST USE AS INTENDED IN THE R-2 ZONE WOULD NOT BE REALIZED. THE AREA SHORTAGE IS WITHIN 3.5% OF THE REQUIRED MINIMUM FOR A TWO FAMILY.

200 FT RADIUS PLAN

AP123 LOT189-827 RIVER AVE.

Note: All Parcels Within R2 Zoning



Scale 1"=50'



Edie [Signature]
1/2021







