

Jorge Elorza
Mayor

Marc Greenfield
Chair



Zoning Board of Review

RESOLUTION NO. 2020-19

November 4, 2020

IN RE: Application for Use and Dimensional Variances
(Table 12-1 – Multi-family use in R-2 Zoning District)
(Table 14-1 – Parking)

PROPERTY: Tax Assessor's Plat 52, Lot 351
126 Adelaide Avenue

APPLICANT/
OWNER: Bluedog Capital Partners, LLC
One Custom House St
Providence, RI 02903

COUNSEL: John Mancini, Esq.
56 Pine Street
Providence, Rhode Island 02903

2020 NOV -9 A 10: 59
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

The within matter came before the Zoning Board of Review (the "Board") on the application of Bluedog Capital Partners, LLC, the owner and applicant (the "Applicant" or "Bluedog Capital") to re-develop the above designated property (the "Property") as a multi-family dwelling with a community center. The Board held duly noticed hearings on for duly noticed public hearings¹ on June 10, 2020 and September 9, 2020, with the following members

¹ Both hearings were conducted via the online platform "Zoom," as virtual public hearings authorized by Governor Raimondo's Executive Order 20-05 dated March 16, 2020 related to COVID-19 mitigation procedures.

throughout both hearings: Chair Greenfield, Mr. Wolf, Ms. Rodriguez, Ms. Maniotes, and Mr. Mitchell, and Mr. Scott (as a non-voting alternate).²

WHEREAS, prior to the hearings, the members of the Board individually made inspections of the Property and viewed the surrounding neighborhood; and

WHEREAS, the Board received, and the Chair read into the record, the recommendations of the Department of Planning and Development (the "DPD") dated June 10, 2020 and September 9, 2020, recommending approval of the Application; and

WHEREAS, Attorney John Mancini presented the Application, documentary evidence and witnesses, and the Board heard testimony from members of the public; and

WHEREAS, the Board had the following evidence and testimony before it:

A. June 10, 2020 Hearing

- March 2020 Application and supporting documentation;
- June 10, 2020 report of the Department of Planning and Development ("DPD") recommending approval of the Application, which the Chair read into the record;
- March 16, 2020 Resolution 20-02 of the Providence Historic District Commission ("PHDC") granting conceptual approval of the renovations to the Property;
- February 14, 2020 plans from ZDS Design for proposed renovation of Property, with qualifications of Eric Zuena and Ron Stevenson of ZDS;
- June 2, 2020 report and curriculum vitae of Thomas O. Sweeney, SIOR, Real Estate Broker and Certified Appraiser;
- Testimony of Eric Zuena, Ron Stevenson and Thomas O. Sweeney, expert witnesses on behalf of the Applicant;
- Letters from State Rep. Grace Diaz, Thomas Hoffman and Rochelle Lee;
- Testimony of five (5) members of the public both in support and opposition to the Application.

B. September 9, 2020 Hearing – in addition to above:

- Transcript of June 10, 2020 hearing;
- ZDS' August 27, 2020 revised plans for the project;
- Projected Construction Budget and Revenue prepared by Bluedog Capital
- September 9, 2020 report of DPD recommending approval of the revised Application;

² Mr. Strother was present at the June 10, 2020 hearing, but not at the September 9, 2020 hearing, at which votes were taken.

6. At the duly noticed September 9, 2020 hearing, the Applicant represented it had conducted a well-attended meeting with abutters via "Zoom" on July 22, 2020. Prior to the Zoom meeting, the Applicant also met at the Property with Councilwoman Castillo and some members of the community and provided an interior tour. They again met with neighbors on the afternoon of September 9, 2020.

7. The Applicant submitted amended plans to reflect changes made after considering public input. The revised plans proposed 15 dwelling units and a community gathering center for the public. The 15 dwelling units consisted of 4 micro-units, 2 studio units and 9 one-bedroom units. The proposal included providing a community center where neighbors could gather and socialize, and where local food vendors would serve food. The community space would be open to the public between approximately noon and 6:00 or 7:00 p.m.

The revised plans required the same parking relief. While only 15 parking spaces were needed for the dwelling units, the 1,400 sq. ft. community center required 3 parking spaces. A total of 18 parking spaces were required and 16 were proposed, requiring a dimensional variance for 2 parking spaces.

8. The Board finds 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. The structure is a church with significant historic and architectural features that must be maintained to comply with the Ordinance and historic preservation standards. The lot currently has a side yard that was used for parking and will continue to be used for parking. It cannot accommodate more than 16 parking spaces without interfering with the structure or neighborhood.

9. There was no claim or evidence that he hardships are due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16).

10. The hardships are not the result of any prior action of the Applicant, which purchased the Property in its current condition.

11. Neither the use nor dimensional variance requests result primarily from the desire of the applicant to realize greater financial gains. The Applicant seeks to make beneficial use of a vacant historic church that can no longer be used as a place of worship. While there is always some financial element or gain from a project, the Applicant presented financial information to support the costs of acquisition and renovation and the revenue stream required to result in a reasonable financial profit margin of approximately 4.4%. With respect to the relief for parking, there is no financial component to the request.

12. The Board finds that the granting of the use and dimensional variances will not alter the general character of the surrounding area or impair the intent of the zoning ordinance or the comprehensive plan. With respect to the use variance, the Property is located in a residential district that is comprised of primarily 1-family and multi-family houses. Given the building's design and character, conversion to the permitted uses of a one or two family dwelling would be inappropriate, and would detract from the historic character of the Property and the neighborhood. Based on plans provided, a multifamily dwelling makes appropriate use of the

size and massing of the structure. The proposed use is consistent with the general character and density of the neighborhood, which allows 2-family dwellings on existing lots of 4,000 sq. ft. and new subdivisions of 5,000 sq. ft. The adaptive re-use of the historic church complements the general character of the area. The proposed parking relief is minimal; the Property is located on a main bus transportation route; the Applicant is providing a permanent bike racks for alternative transportation-users.

13. The dimensional relief for 2 parking spaces is the least relief necessary based on the existing structure and lot. No additional parking spaces could be created without increasing paving and losing pervious surface and greenery.

With respect to the relief for residential use for 15 dwelling units, the Board finds that the Property's use as a church is not viable. The partial use as a community center is a legally permitted use. The substantial evidence of record demonstrates that the residential use is the only financially feasible use for the Property, which has been vacant and is deteriorating. The prior owner testified he was unable to create a viable use. The Applicant originally proposed 18 dwelling units, but reduced its request to one for 15 dwelling units, and provided financial information to demonstrate the costs and revenues. Accordingly, the Board finds that the relief for 15 residential units is the least relief necessary.

14. For the same reasons set forth in paragraph 13 above, the Board finds that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. The Board further relies on the testimony of Mr. Sweeney and the opinion of the Department of Planning and Development.

15. With respect to the dimensional variance for two parking spaces, the denial of such request would be more than a mere inconvenience because it is not possible to reconfigure the lot to provide additional spaces. As indicated above, there is no financial gain associated with the request for 2 fewer parking spaces.

WHEREFORE, on motion by Mr. Wolf, seconded by Ms. Maniotes, the Board voted (4-1) to APPROVE the application for a use variance **subject to the condition** that the Applicant clean up the debris on the property and implement rodent control, both within thirty (30) days; and on motion by Mr. Wolf, seconded by Ms. Maniotes, the Board voted (4-1) to APPROVE the application for a dimensional variance. Mr. Greenfield voted against both motions.

By Order of the Zoning Board of Review.



MARC GREENFIELD
CHAIR

ATTENTION: SECTION 1902 OF THE ORDINANCE REQUIRES THAT ANY VARIANCE OR SPECIAL USE PERMIT GRANTED BY THE BOARD SHALL EXPIRE

SIX MONTHS AFTER THE DATE OF THE FILING OF THE RESOLUTION IN THE OFFICE OF THE BOARD UNLESS THE APPLICANT SHALL, WITHIN THE SIX MONTHS, OBTAIN A LEGAL BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; OR OBTAIN A LEGAL BUILDING PERMIT AND A CERTIFICATE OF OCCUPANCY WHEN NO CONSTRUCTION IS REQUIRED.

NOTE: THE ORIGINAL RESOLUTION IS ON FILE IN THE OFFICE OF THE ZONING BOARD OF REVIEW AND MUST BE OBTAINED BY THE OWNER OR HIS/HER/ITS REPRESENTATIVE AND RECORDED IN THE LAND EVIDENCE RECORDS OF THE CITY OF PROVIDENCE BEFORE THE ISSUANCE OF A BUILDING PERMIT. A COPY OF THE RECEIPT ACKNOWLEDGING THAT THE RESOLUTION HAS BEEN RECORDED MUST BE SUBMITTED TO THE OFFICE OF THE ZONING BOARD OF REVIEW AND TO THE DEPARTMENT OF INSPECTION AND STANDARDS BEFORE THE ISSUANCE OF A BUILDING PERMIT.

MOTION TO GRANT USE VARIANCE, SUBJECT TO CONDITIONS:

MADE BY: Wolf

SECONDED BY: Maniotes

MEMBERS VOTING IN FAVOR OF THE MOTION: Wolf, Maniotes, Rodriguez, Mitchell

MEMBERS VOTING AGAINST THE MOTION: Greenfield

MOTION TO GRANT DIMENSIONAL VARIANCE:

MADE BY: Wolf

SECONDED BY: Maniotes

MEMBERS VOTING IN FAVOR OF THE MOTION: Wolf, Maniotes, Rodriguez, Mitchell

MEMBERS VOTING AGAINST THE MOTION: Greenfield