

# **ZONING BOARD OF REVIEW**

**FEBRUARY 27, 2007**

**DOCKET**

**15 CASES**

**Notice is hereby given that the Zoning Board of Review will be in session in the Probate Court Room, fifth floor, City Hall on Tuesday, February 27, 2007 at 5:00 P.M. and 7:00 P.M when all persons interested will be heard for or against the granting of the following applications for variances and special use permits under Section 902 of the Zoning Ordinance:**

**5:00 P.M.**

**Pursuant to Section 906 of the Zoning Ordinance letters have been received requesting a six-month extension for the following matters.**

**GERARD J. COREY: 82-84 Armington Avenue, Lot 783 on the Tax Assessor's Plat 64 located in a Residential R-2 Two-Family Zone; to be relieved from Sections 105.3 and 304. The applicant is requesting a DIMENSIONAL VARIANCE and proposes to divide lot 783 into two lots. The subdivision would create a 3,837 square feet lot in which the applicant proposes to construct a new 33' x 28' single-family**

dwelling with a 10' x 12' deck. The existing two-family dwelling would remain on a 5,391 square foot lot. The lot in question contains approximately 9,228 square feet of land area.

**RONALD CORBETT:** 235 Killingly Street, Lot 86 on the Tax Assessor's Plat 115 located in a Residential R-1 One-Family Zone; to be relieved from Section 304 in the proposed subdivision of lot 86 into two new lots. One new lot would contain 8,628 square feet of land area upon which the existing two-family dwelling would remain at 235 Killingly Street and a second new lot containing 6,006 square feet of land area upon which a new 48' x 26' single-family dwelling would be constructed at 231 Killingly Street. The proposed sub-division and construction is permitted within this R-1 district. The applicant is requesting a **DIMENSIONAL VARIANCE** and seeks relief from regulations governing lot width & frontage. The lot in question contains approximately 14, 634 square feet of land area.

**OLNEYVILLE URBAN LOFTS, LLC:** 33 Magnolia Street & 244 Oak Street (a/k/a 61-71 Troy St.), Lots 1 and 9 on the Tax Assessor's Plat 37 located in an Industrial M-1 Zone; to be relieved from Section 305 (lot area per dwelling unit) and Sections 703.2 and 705.1 (parking requirements) pursuant to Section 707.1 in the proposed renovations to the existing buildings (previously used for manufacturing) for 4 residential units on lot 1 (33 Magnolia St.), and 60 residential units & 2 commercial units on lot 9 (244 Oak St.). The proposed uses are permitted within this M-1 district. The applicant is requesting a

**DIMENSIONAL VARIANCE and seeks relief from regulations governing lot area per dwelling unit; the parking requirement, whereby 96 parking spaces are required, 65 spaces would be provided; and the minimum dimensional requirements for parking spaces. Lot 1 contains approximately 12,145 square feet of land area and lot 9 contains 30,405-sq. ft. in land area.9174**

**GREATER ELMWOOD NEIGHBORHOOD SERVICES: 9-11 Congress Avenue, Lot 599 on the Tax Assessor's Plat 49 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 303-use code 14, 304, 703.2 and 704.2(C) in the proposed construction of a new 40' x 40' five-family residential structure. The applicant is requesting a USE VARIANCE, whereby in this R-3 three-family district, the use is restricted to three-dwelling units only. Further, the applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations governing lot area per dwelling unit; the parking requirement, whereby 8 parking spaces are required, 5 spaces would be provided; and the paving restriction, whereby over 72 percent of the rear yard would be paved, no more than 50 percent of the rear yard is allowed to be paved. The lot in question contains approximately 8,230 square feet of land area.**

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## **REQUEST FOR SECOND SIX-MONTH EXTENSION**

**REX REALTY, LLC, REX REALTY CORPORATION, OWNERS & WESTMINSTER CROSSING, LLC, APPLICANT: 369-391 West Fountain Street & 21-33 Cargill Street, Lots 441, 442 & 512 on the Tax Assessor's Plat 29 located in a C-4 Heavy Commercial Zone; to be relieved from Sections 305, 414.4, 418 and 703.2 in the proposed demolition of the existing manufacturing building and the construction of a new 6-story 164,511 square foot mixed use building that would contain 82 residential units, commercial space and parking. Exterior surface parking would also be provided. The applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations governing the height restriction, which is 3-stories not to exceed 45 feet, the maximum height of the proposed building would be 6-stories at 72 feet. Further relief is being sought relating to the lot area per dwelling unit requirement, corner setback, front yard setback for the garage, and the parking requirement, whereby, 139 parking spaces are required, 125 spaces would be provided. The lots in question contain approximately 55,965-sq. ft. of land area.**

**JOHN P. O'MALLEY (LOT 45) & JOHN BACON (LOT 44), OWNERS AND JOHN P. O'MALLEY, APPLICANT: 83 & 85 Cemetery Street, Lots 44 & 45 on the Tax Assessor's Plat 75 located in a Residential R-3 Three-Family Zone; to be relieved from Section 204.2. The applicant proposes to reconfigure said aforementioned substandard lots of record. Lot 44 currently contains approximately 4,660 square feet of land area and would be decreased to 3,535 square feet upon which**

**the existing single-family dwelling would remain at 85 Cemetery St. Lot 45, which currently contains 2,800 square feet in area, would be increased to 3,927-sq. ft. upon which a new 24' x 36' single-family dwelling would be constructed at 83 Cemetery St. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered one lot and undivided for the purpose of the Ordinance. In this instance, both existing lots are substandard in size and are recorded under the same ownership. The applicant is requesting a DIMENSIONAL VARIANCE in order to reconfigure the existing substandard lots into 2 new substandard lots, retain the lots separately, and construct a new one-family dwelling on lot 45.**

**NICHOLAS LUDOVICI, JR. & ROGER MALOUIN, OWNERS AND NICHOLAS LUDOVICI, APPLICANT: 20 Dorothy Avenue, Lot 97 on the Tax Assessor's Plat 942 located in a Residential R-2 Two-Family Zone; to be relieved from Section 304 in the proposed construction of a single-family dwelling. The proposed use is permitted within this R-2 district; the applicant is requesting a DIMENSIONAL VARIANCE from regulations governing the height restriction, which is 30 feet. The applicant proposes to construct the building at a height of 34**

feet, measured from grade to the peak of the new structure. The lot in question contains approximately 4,239 square feet of land area.

**EDWARD & LYDIA COOPER: 76 & 80 Commodore Street, Lots 537 & 538 on the Tax Assessor's Plat 71 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 204.2 and 304 in the proposed construction of a 24' x 40' single-family dwelling on lot 537 (80 Commodore St.) which contains 3,200 square feet of land area. The existing two-family dwelling on lot 538 (76 Commodore St.) containing 3,398-sq ft. in area will remain unchanged. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered one lot and undivided for the purpose of the Ordinance. In this instance, both lots are substandard size and are recorded under the same ownership. The applicant is requesting a DIMENSIONAL VARIANCE in order to retain the lots separately and construct a one-family dwelling on lot 537. The new structure would have a front yard setback of 10 feet instead of the required 12 feet.**

**PROVIDENCE PUBLIC LIBRARY: 708 Hope Street, Lot 609 on the Tax Assessor's Plat 6 located in a Residential R-2 Two-Family Zone; to be relieved from Section 607.1 pursuant to Section 200 in the proposed installation of a 2.5' x 15' wall sign attached to the front façade of the existing library. The applicant is requesting a DIMENSIONAL**

**VARIANCE** relative to the maximum total area of signs. The lot in question contains approximately 15,696 square feet of land area.

**NICKERSON HOUSE COMMUNITY CENTER:** 154 Delaine Street, Lot 431 on the Tax Assessor's Plat 62 located in a Residential Multi-Family R-M Zone; to be relieved from Sections 201.5, 202.6, 205.1, 304 and 703.2. The current legal use of the existing structure is 2 stores and 4 dwelling units. The applicant proposes to alter the building to include 2 additional dwelling units bringing the total number of residential units to 6. The 2 stores would remain. The additional dwelling units are permitted within this R-M district, the applicant is requesting a **DIMENSIONAL VARIANCE** from regulations governing the expansion of a building containing a nonconforming use; lot area per dwelling unit; and the parking requirement, whereby the existing uses are legal nonconforming by parking, however, the 2 additional dwelling units require 3 parking spaces and no on-site parking is available. The lot in question contains approximately 5,000 square feet of land area.

**ABRAHAM NUNEZ:** 68-70 Gray Street, Lots 228, 229 & 230 on the Tax

**Assessor's Plat 95 located in a Residential R-2 Two-Family Zone; to be relieved from Sections 204.2, 304 and 704.2(A). All of the aforementioned lots each contain 3,200 square feet of land area. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered one lot and undivided for the purpose of the Ordinance. In this instance, the aforementioned lots are substandard in size and are recorded under the same ownership. The applicant proposes to subdivide the middle lot (lot 229), which would result in 1,600 square feet of land being added to lots 228 and 229, which would increase the land area of lots 228 and 229 from 3,200-sq.ft. to 4,800-sq. ft. each. The existing two-car garage would be razed. The existing two-family dwelling located on lot 228 (68 Gray Street) would remain unchanged. As mentioned, the land area for lot 230 would be increased to 4,800-sq. ft. upon which a new two-family dwelling would be constructed. A two-family dwelling is a permitted use in this R-2 district, the new structure requires a 5,000 square foot lot; therefore the applicant in requesting relief from the provisions governing minimum lot area, and lot area per dwelling unit, a DIMENSIONAL VARIANCE. The parking areas for the existing structure and the new structure would be located in the side yards and the driveways would be 17 feet in width instead of the maximum permitted 15 feet. Further, the new building does not meet the front and rear yard set back requirements.**

**ALLIED INVESTMENTS, LLC: 6-8 Hawthorne Street, Lot 503 on the Tax Assessor's Plat 49 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 200.3, 303-use code 14, 304 and 703.2 in the proposed change in the use of the building from a five-family to a six-family dwelling. The applicant is requesting a USE VARIANCE in order to expand this legal nonconforming use to include one additional dwelling unit. The R-3 regulations restrict the number of dwelling units to a maximum of three units on a lot having no less than 6,000 square feet of land area. Further relief is being requested from regulations governing the number of parking spaces, whereby this property supports 4 existing parking spaces in the rear yard having access over a shared driveway. The existing five dwelling units require one parking space per unit or five parking spaces, there are 4 existing on-site spaces, one parking space is nonconforming, the proposed new dwelling unit requires 2 parking spaces; therefore this proposal has a shortfall of 2 parking spaces. The lot in question contains approximately 3,458 square feet of land area.**

**7:00 P.M.**

**THOMAS A. PALANGIO: 238 Doyle Avenue, Lot 10 on the Tax Assessor's Plat 86 located in a Residential R-1 Zone; to be relieved from Section 304 in the proposed conversion of the existing carriage house into a single-family dwelling. The proposed use is permitted within this residential R-1 district. The applicant is requesting a DIMENSIONAL VARIANCE relative to regulations governing the side and rear yard setback requirements. The lot in question contains approximately 2,111 square feet of land area.**

**Please take notice that by Order of the Superior Court, the above-referenced application, now scheduled for hearing by the Zoning Board of Review of the City of Providence on Tuesday, February 27, 2007, at 7:00 p.m. is deemed amended to request dimensional relief from the alleged merger of Lots 9 and 10 pursuant to Sections 204.2 of the Zoning Code. This request for relief from the merger provision is without prejudice to the relief sought and the claims made by the applicant in Providence County Superior Court Civil Action No. PC 07-0114. Also, the City of Providence's Motion to**

**Join Parties to Claim and Counterclaim in said Providence County Superior Court Civil Action No. PC-0114 (previously scheduled for hearing on February 21, 2007) has been withdrawn without prejudice.**

**DANIEL SUERO: 36 & 52-54 Erastus Street, Lots 12 & 14 on the Tax Assessor's Plat 63 located in a Residential R-M Multi-Family Zone; to be relieved from Sections 304, 704.2(A) and 705.3 in the proposed subtraction of 1,600 square feet of land area from lot 14 (52 Erastus St. which contains an existing legal nonconforming 4 family dwelling) thereby reducing the total land area for this lot from 6,400 square feet to 4,800-sq. ft. of land area. The subtracted 1,600 square feet of land from lot 14 would be added to lot 12 (36 Erastus St.) thereby increasing the total lot area of said lot from 3,200-sq. ft. to 4,800-sq. ft. of land area upon which a new 34' x 42' three-family dwelling would be constructed. The applicant is requesting a DIMENSIONAL VARIANCE relative to lot area conformance, whereby in a residential R-M district the minimum lot area requirement is 5,000-sq. ft. Further, the applicant proposes to create a new side yard parking area (southerly side) for 52 Erastus St. (lot 14) containing 6 parking spaces that would sustain the parking requirement for said lot. Additionally, the plan seeks to create a parking area for the proposed new three-family dwelling by paving the southerly side yard and a portion of the rear yard of 36 Erastus St. (lot 12) in order to meet the parking requirement for said new structure. The driveway width for lot 14 is**

proposed at 17 feet, the maximum allowed width is 15 feet. Relief is being sought from regulations governing access to the parking spaces, whereby several parking spaces would be blocked by vehicles parked in tandem thereby creating no or limited access to some spaces.

**KEVIN R. & SIOBHAN R. CUTE: 10 Harkness Street, Lot 17 on the Tax Assessor's Plat 35 located in a Residential R-3 Three-Family Zone; to be relieved from Section 403(B) in the proposed renovation of the existing garage located in the rear yard that would be used for accessory living quarters. This proposal is permitted within this R-3 district only when located not less than 10 feet from the rear property line and the structure can be no more than 20 feet in height. The applicant proposes to add a second level to this existing structure. A DIMENSIONAL VARIANCE is requested relative to regulations governing the setback of the building whereby, the garage sits 2.5 feet from the rear property line and the new second floor addition would bring the height of the building to 21.5 feet (measured from grade to the roof peak of the new second level). No change is proposed for the existing main structure, a legal two-family dwelling. The lot in question contains approximately 8,000 square feet of land area.**

**PRI XIV, L.P.: 197 Fountain Street a/k/a 16 Empire Street (bounded by Greene Street & Broadway) Lots 116 & 436 on the Tax Assessor's Plat 25 located in a Downtown D-1 Zone and the DOWNCITY Overlay District, to be relieved from Sections 502.5, 502.5(A), 502.5(D), 502.5(E) and 502.5(F). The applicant is requesting a DIMENSIONAL VARIANCE and proposes to demolish the existing building located on the aforementioned property prior to the Providence DOWNCITY Design Review Committee approval of plans for new construction citing safety and security concerns related to maintaining the existing vacant building. The applicant further seeks relief in order to utilize said property for the transitional use of surface parking. The lots in question together total approximately 40,441 square feet of land area.**

**LAWTON FAMILY REALTY, LLC, OWNER AND 1921 HARRISON STREET ASSOCIATES, LLC, APPLICANT: 19-21 Harrison Street, Lot 234 on the Tax Assessor's Plat 32 located in a Residential R-3 Three-Family Zone and the Armory Historic District; to be relieved from Sections 201.5, 201.8, 202.4, 303-use code 14, 304, 412.3(A) and 703.2 in the proposed renovation of the existing building (previously used for a warehouse) that would be used for 20 residential units. The applicant is requesting a USE VARIANCE for the number of dwelling units within this R-3 district and a DIMENSIONAL VARIANCE from regulations governing the expansion of a nonconforming building by dimension; the use restriction, whereby R-3 regulations restrict the number of dwelling units for this site to three units only;**

**the height restriction for a rooftop deck; the setback requirement for rooftop structures; and the parking requirement, whereby 30 parking spaces are required, and 4 on-site parking spaces would be provided.**

**The lot in question contains approximately 9,614 square feet of land area.**

**BADAWI SLEIMAN, OWNER AND BOB'S MART, INC., APPLICANT: 659 Smith Street, (corner Pinehurst Ave.) Lot 91 on the Tax Assessor's Plat 120 located in a Limited Commercial C-1 Zone; to be relieved from Sections 425, 703.2 and 705 in the proposed construction of two additional floors above the existing store/delicatessen and within the existing building footprint. The new construction would be used for a total of four (one-bedroom) dwelling units. The dwelling units are permitted as of right within this commercial C-1 district. The applicant is seeking a DIMENSIONAL VARIANCE from regulations governing parking areas, whereby 11 parking spaces are required. The existing parking area provides for 8 parking spaces. This application was previously granted (Resolution No. 8967 issued May 23, 2005), but it expired before the applicant obtained a building permit. The lot in question contains approximately 6,434 square feet of land area.**

**LANTERN HOLDINGS, LLC, OWNER AND PREMIER LAND DEVELOPMENT, APPLICANT: 434 & 436 Atwells Avenue, 28 & 34 Knight Street and 17 & 23 Marcello Street, Lots 139, 140, 142, 150, 508 & 969 on the Tax Assessor's Plat 28 located in a Commercial C-1**

**Zone and a Residential R-3 Three-Family Zone; to be relieved from Section 305 in the proposed expansion of the number of residential units from 43 to 64 dwelling units in a new building to be constructed.**

**The applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations governing minimum lot area per dwelling unit. The lots in question total approximately 33,918 square feet of land area.**

**THIS MEETING MAY BE CONTINUED FROM DAY TO DAY AND TIME TO TIME AT THE DISCRETION OF THE ZONING BOARD OF REVIEW.  
ESTA REUNION PUEDE SER CONTINUADA EN CUALQUIER MOMENTO BAJO LA DISCRECTION DE LA JUNTA DE REVISIONES DE ZONA.**