

**CITY OF PROVIDENCE
PUBLIC NOTICE
ZONING BOARD OF REVIEW
190 DYER STREET
PROVIDENCE, RHODE ISLAND 02903
MAY 29, 2007**

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, June 12, 2007 at 5:30 P.M. and 7:00 P.M and Wednesday, June 13, 2007 at 5:30 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:

Tuesday, June 12, 2007 at 5:30 P.M.

The following members heard and continued the following cases for further details:

KELLY, STROTHER, VARIN, WOLF & UNDERWOOD

CESAR LOSADA: 1015 Branch Avenue, Lot 209 on the Tax Assessor's Plat 78 located in a Residential R-G General Residence Zone; to be relieved from Sections 304, 417 and 703.2 in the proposed conversion of the existing garage into a single-family dwelling. The existing three-family structure will remain unchanged. The applicant

is requesting a dimensional variance relating to the side and rear yard setback requirements for the new dwelling unit, the lot area per dwelling unit requirement, whereby, in this instance the subject property is 1200 square feet short of the land area required for the additional residential unit, and said new dwelling unit would create a second main structure of the lot, which is not permitted by Section 417. Further relief is sought from the parking requirement, whereby this proposal requires 5 parking spaces, 2 spaces would be provided. The lot in question contains approximately 4,000 square feet of land area.

2 EUCLID, LLC, OWNER AND CHIPOTLE MEXICAN GRILL, APPLICANT:

2 Euclid Avenue and 257 Thayer Street, Lot 104 on the Tax Assessor's Plat 13 located in a Commercial C-2 Zone; to be relieved from Sections 303-use code 57.1, 305 (footnote 10), 406.1 and 703.2 in the proposed construction of a new restaurant without liquor license. The existing structure would be demolished. A restaurant is a permitted use in the C-2 district only when restricted to 2500 square feet of gross floor area. The applicant proposes 3300 sq. ft. of gross floor area and therefore requests a special use permit. Further, the applicant seeks a dimensional variance from Section 305 (footnote 10), which requires that the building lines at street level shall be coincident with the lot line without setback. At the Euclid Avenue frontage the building would be set back 13.8 feet. Section 703.2 governs the parking provisions, which require one parking space for

every 4 seats. The new restaurant would have 74 seats, thus requiring 19 parking spaces, the proposed construction allows for no on-site parking. The lot in question contains approximately 2,738 square feet of land area.

SINA LY SINN: 185 Messer Street, Lot 132 on the Tax Assessor's Plat 37 located in a Residential R-3 Three-Family Zone and the Armory Historic District; to be relieved from Sections 201.5, 201.7, 201.8, 202.4, 303-use code 57, 304 & 703.2 in the proposed construction of a 15' x 40' addition to the existing convenience store/market. The applicant is requesting a use variance for the expansion of the use in this R-3 district and a dimensional variance relating to the rear yard set back requirement. The lot in question contains approximately 4,800 square feet of land area.

RIVER ROCK GENERAL CONTRACTING, INC.: 129 Eastwood Avenue, Lot 264 on the Tax Assessor's Plat 107 located in a Residential R-2 Two-Family Zone; to be relieved from Section 304 in the proposed construction of a new 48' x 24 two-family dwelling. A two-family structure is permitted within this R-2 zone however, only when located on a lot having no less than 5,000 square feet of land area. The applicant is requesting a dimensional variance relating to regulations governing minimum lot area per dwelling unit, whereby the existing lot contains approximately 4,000 square feet of land area.

RONALD WITTER: 45 & 49 Leah Street, Lots 624 & 625 on the Tax Assessor's Plat 95 located in a Residential R-2 Two-Family Zone; to be relieved from Section 204.2 in the proposed construction of a new 26' x 40' single-family dwelling on lot 625. The existing single-family dwelling on lot 624 will remain unchanged. Both 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, both lots are substandard in 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 625.

Tuesday, June 12, 2007 at 7:00 P.M.

DIANE PARTRIDGE: 79 & 83 Parnell Street, Lots 202 & 203 on the Tax Assessor's Plat 95 located in a Residential R-2 Zone; to be relieved from Section 204.2 in the proposed construction of a new 24' x 46' single-family dwelling on lot 202. The existing two-family dwelling on lot 203 will remain unchanged. Both 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, both lots are substandard in 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 202.

KENNETH L. PEREIRA: 73 Phebe Street & 70 Waite Street, Lot 273 on the Tax Assessor's Plat 79 located in a Residential R-2 Two-Family Zone; to be relieved from Sections 105.3 and 304 in the proposed subdivision of lot 273 into 2 new lots. One new lot would contain approximately 4,000 square feet of land area upon which a new 25'8" x 30' single-family dwelling would be constructed at 70 Waite St. A second new lot would be created at 73 Phebe St. where the existing one-family dwelling will remain unchanged. The applicant is requesting a dimensional variance and seeks relief from regulations governing lot area conformance. The lot in question contains approximately 8,000 square feet of land area.

GOSPEL TABERNACLE OUTREACH MINISTRIES: 147 & 149 Oakland Avenue, Lots 41 & 44 on the Tax Assessor's Plat 69 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 704, 704.2, 705 and 705.1 in the proposed development of lot 44 for accessory parking for the existing church located on lot 41. The applicant is requesting a dimensional variance and seeks relief from regulations governing paving limitations and aisle width. Lot 41

contains approximately 12,015 square feet of land area and lot 44 contains 4,000-sq. ft. of land area.

MICHAEL J. ROSATI, PAUL R. ROSATI & ALICE L. ROSATI:

73 & 77 Simmons Street, Lots 169 & 170 on the Tax Assessor's Plat 109 located in a Residential R-3 Three-Family Zone; to be relieved from Section 204.2 in the proposed construction of a new 24' x 36' single-family dwelling on lot 170. The existing two-family structure located on lot 169 will remain unchanged. Both lots each contain 3,203 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, both lots are substandard in 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 170.

I & R REALTY CORPORATION: 250-252 Hope Street, Lot 224 on the Tax Assessor's Plat 13 located in a Residential R-3 Three Family Zone; to be relieved from Sections 419.2 and 704.2(C) in the proposed change in the use of the building from a two-family to a three-family dwelling with a home occupation (real estate management office in unit 2.) A three-family structure is a permitted use within this R-3

district on this 6,511 square foot lot. The applicant is requesting a special use permit for the home occupation and a dimensional variance from regulations governing rear yard paving, whereby, in the R-3 district no more than 50 percent of the rear yard is permitted to be paved, the applicant proposes to pave 100 percent of the rear yard.

Wednesday, June 13, 2007 at 5:30 P.M.

ARCESE REALTY, OWNER AND JAMES HALL, SONA LLC, APPLICANT: 178 Atwells Avenue & 142 Dean Street, Lots 335 & 336 on the Tax Assessor's Plat 26 located in a General Commercial C-2 Zone; to be relieved from Sections 401.1 and 703.2 relating to outdoor seating, whereby the existing restaurant/bar has 62 indoor seats which would allow an additional 15.5 outdoor seats. The applicant proposes an additional 40 outdoor seats. Further, the applicant is requesting a special use permit to establish entertainment within the building. This proposal requires 7 on-site parking spaces, which cannot be provided. The lots in question together total approximately 3,526 square feet of land area.

RENEE & NORMAN FIERING: 116-118 University Avenue, Lot 387 on the Tax Assessor's Plat 39 located in a Residential R-2 Two-Family Zone; to be relieved from Section 304 in the proposed construction of a 78 square foot ground-floor addition to the existing two-family dwelling that would support a bathroom and a kitchen expansion. The applicant is requesting relief from regulations governing rear

yard. The lot in question contains approximately 5,600-sq. ft. of land area.

SHANKARHAI PATEL, PATEL PROPERTIES, LLC AND WALTER SCHUMAKER III, OWNERS AND ARISTA DEVELOPMENT, LLC, APPLICANT: 300 Plainfield Street and 29 Pocasset Avenue, Lots 478 and 483 on the Tax Assessor's Plat 108 located in a Commercial C-2 Zone and Residential R-3 Three-Family Zone; to be relieved from Sections 305.1(4) and 704.2 in the proposed demolition of the existing buildings and the construction of a new retail pharmacy with associated drive-through and parking. The applicant is requesting a dimensional variance from regulations governing front yard setback and the paving limitations for a portion of the property that is located in the R-3 district. Further, the applicant seeks a special use permit for the drive-through pursuant to Section 303-use code 57.2. Lots 483 and 478 combined contain approximately 55,705 square feet of land area.

The Board will meet as an Appellate Board concerning the following matter regarding a decision rendered by the Providence Downcity Design Review Committee:

APPEAL FROM THE DECISION OF THE PROVIDENCE DOWNCITY DESIGN REVIEW COMMITTEE:

Appellants: The College Hill Neighborhood Association, The West Broadway Neighborhood Association, The Fox Point Neighborhood Association and The Providence Preservation Society

Subject Property: 197 Fountain Street also known as the Tax Assessor's Plat 25, Lots 116 and 436 located within the D-1 Downtown Central Business District and the Downcity District.

The Downcity Design Review Committee (DRC) has granted preliminary conditional approval under Resolution 06-18 for the demolition of the existing structure. The appellants contend that the DRC's decision was procedurally and substantively defective.

THIS MEETING MAY BE CONTINUED FROM DAY TO DAY AND TIME TO TIME AT THE DISCRETION OF THE ZONING BOARD OF REVIEW.

THIS MEETING IS ACCESSIBLE TO ALL PERSONS. INDIVIDUALS REQUESTING INTERPRETER SERVICES MUST NOTIFY THE OFFICE OF NEIGHBORHOOD SERVICES AT (401) 421-7768, 48 HOURS IN ADVANCE OF THE HEARING DATE.

ESTA REUNION PUEDE SER CONTINUADA EN CUALQUIER MOMENTO BAJO LA DISCRECION DE LA JUNTA DE REVISIONES DE ZONA.

LA INFORMACION DE ESTA REUNION ESTA DISPONIBLE PARA TODAS LAS PERSONAS E INDIVIDUOS QUE REQUIERAN SERVICIOS

**DE INTERPRETE, LLAME A LA OFICINA DE SERVICIOS VECINDALES
AL (401) 421-7768, POR LO MEMOS 48 HORAS ANTES DE SU FECHA
DE JUICIO.**

**PETER D. CARNEVALE, SECRETARY
(401) 421-7740 EXT. 376**