

ZONING BOARD OF REVIEW

JUNE 22, 2009

DOCKET

Notice is hereby given that the Zoning Board of Review will be in session in the Probate Court Room, fifth floor, City Hall, 25 Dorrance Street on Monday, June 22, 2009, at 5:30 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:

5:30 P.M.

Pursuant to Section 906, correspondence has been received requesting a six-month extension of the following matters:

KEITH D. STRICKLAND, OWNER AND HABITAT FOR HUMANITY OF RI, APPLICANT: 11 Trask Street, Lot 685 on the Tax Assessor's Plat 47 located in a General Commercial C-2 Zone; to be relieved from Section 305.1(3) in the proposed construction of a 21' x 32' single-family dwelling. Residential structures are permitted within a C-2 district; however, as per Section 305.1(3) when a lot is used solely for residential purposes, the minimum lot area shall be 5,000 square feet. The lot in question contains approximately 3,200 square feet of

land area; therefore, the applicant is requesting a **DIMENSIONAL VARIANCE** from regulations governing lot size.

JOLON T. O'CONNOR & JOHN H. PENDLEBURY, OWNERS AND HABITAT FOR HUMANITY OF RI, APPLICANT: 297 & 301 Swan Street, Lots 211 & 212 on the Tax Assessor's Plat 48 located in a Residential R-3 Three-Family Zone; to be relieved from Section 204.2 in the proposed construction of a 21' x 32' one-family dwelling on Lot 211 (301 Swan St.), which contains 3,200 square feet of land area. The existing single-family dwelling on Lot 212 (297 Swan St.) containing 3,200 square feet of land 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 in area and are under the same ownership on or anytime after October 14, 1991, such lots shall be considered to be one lot and undivided for the purpose of the Ordinance. In this instance, both lots are substandard in size and were at one period in time after October 24, 1991, recorded in the same ownership; however not currently; therefore, the applicants are requesting a **DIMENSIONAL VARIANCE in order to retain the lots separately and the owner of Lot 211 proposes to construct a single-family dwelling on said Lot.**

On May 26, 2009, the following members heard and continued the following matter to

June 22, 2009 for further details:

YORK, STROTHER, EGAN, WOLF, VARIN AND UNDERWOOD

ARCESE REALTY, OWNER AND SONA, LLC, APPLICANT AND LESSEE: 142 Dean Street & 178 Atwells Avenue, 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, request for dimensional variance relating to outdoor seating, whereby the existing restaurant/bar has 62 indoor seats. Section 401.1 allows an additional 25 percent of the existing interior seating outdoors, which would be 15.5 outdoor seats. The applicant proposes to provide 36 seats outdoors, which are 20.5 seats over and above the allowed number of outdoor seats. Further, the additional outdoor seating requires 6 parking spaces, which cannot be provided on-site. The applicant also seeks to provide the outdoor seating past the 11:00 P.M. restriction as provided at Section 401.1. Separate and apart from the request for the additional outdoor seating, the applicant is

seeking a **SPECIAL USE PERMIT** in order to provide entertainment within the restaurant/bar. On July 8, 2008, the Board granted a special use permit for entertainment for a period of one year only, and the Board further approved the number of outdoor seats at 36 under Resolution No. 9335 dated December 3, 2008. The lots in question together contain approximately 3,526 square feet of land area.

On May 26, 2009, the following members continued the following matter to June 22, 2009 for hearing:

YORK, STROTHER, EGAN, WOLF, VARIN AND UNDERWOOD

A-47 CHRISTIAN INTERDENOMINATIONAL ASSEMBLY: 483-485 Washington Street, Lot 39 on the Tax Assessor's Plat 29 located in a Heavy Commercial C-4 Zone; to be relieved from Sections 305.1(4), 305.1(8) and 703.2. The applicant proposes to demolish the existing building and construct a new 24' x 71'6" building that would be used for a church. Religious services are permitted within the C-4 district. The applicant is requesting a **DIMENSIONAL VARIANCE relating to the front and rear yard setbacks and provisions for parking; whereby 16 parking spaces are required, no on-site parking would be provided. The lot in question contains approximately 3,400 square feet of land area.**

NEW MATTERS

DR. CLARK SAMMARTINO: 411-415 North Main Street, Lot 523 on the Tax Assessor's Plat 3 located in a Residential R-G General Residence Zone and the College Hill Historic District. The applicant is requesting a SPECIAL USE PERMIT pursuant to Sections 200, 303-use code 64.1 and 419.6 in order to alter the existing parking lot, which supports parking for 20 Benefit Street. The applicant seeks to pave additional land to create an additional parking space (total of 4 spaces) and to facilitate maneuvering space in order to exit the lot in a forward approach to the street rather than backing onto North Main Street, and the additional paving requires relief from Sections 704.2(A) and 704.2(B), a DIMENSIONAL VARIANCE. The lot in question contains approximately 2,453 square feet of land area.

ARC REAL ESTATE HOLDINGS, LLC: 85-91 DePasquale Avenue & 5-11 Africa Street, Lots 789, 790, 791 & 865 on the Tax Assessor's Plat 28 located in a Residential R-3 Three-Family Zone; to be relieved from Sections 303-use code 64.1, 425.2(A) and 425.2(C) in the proposed use of Lot 789, which is located within the R-3 district for parking. Lots 791 and 790 (81-83 & 85-87 DePasquale Ave. respectively) are located within a C-2 district, which permits parking lots as of right; therefore, requiring no Board action, and Lot 865 is located within an R-3 district and is approved for residential parking. Lots 790, 791 and 865 are included within this application because vehicles entering onto the Africa Street lots will be permitted to exit through Lots 790

and 791 onto DePasquale Avenue. The applicant is requesting a USE VARIANCE for Lot 789 only, which contains approximately 2,008 square feet of land area, and a DIMENSIONAL VARIANCE relating to regulations governing landscaping and canopy coverage.

SCOTT & DANIELA ROOP: 184 Upton Avenue, Lot 167 on the Tax Assessor's Plat 40 located in a Residential R-1 One-Family Zone; to be relieved from Sections 403(I) and 414.4. The applicant proposes to demolish the existing garage (20' x 20') and construct a new 24' x 32' garage at the same location fronting on Lincoln Avenue. A DIMENSIONAL VARIANCE is being sought regarding regulations governing the maximum height permitted, which is 20 feet, the proposed height is 23 feet; and further relief from the front yard setback at Lincoln Avenue, which is required at no less than 18 feet, the request seeks a 12 foot setback. The lot in question contains approximately 26,438 square feet of land area.

PAUL LYONS, OWNER AND GINA MAHONEY, APPLICANT: 133 Mercy Street, Lot 193 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 26' x 42' one-family dwelling on the aforementioned property. As per Section 204.2, 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, an adjacent lot was under the same ownership as the subject property and both lots are substandard in lot area. The applicant is requesting a DIMENSIONAL VARIANCE in order to retain the subject property separate and apart from the adjacent lot and construct a one-family dwelling. The lot in question contains approximately 3,200 square feet of land area.

7:00 P.M.

MELISSA J. SAVICKI: 103 Prospect Street (corner Lloyd Ave.), Lot 532 on the Tax Assessor's Plat 10 located in a Residential R-1 One-Family Zone and the College Hill Historic District. The applicant is requesting a SPECIAL USE PERMIT pursuant to Section 419.4 in order to provide for a second dwelling unit within the existing building. Section 419.4 provides for a dwelling unit for every 5,000 square feet of lot area when an existing building is not increased in height or floor area and receives a special use permit from the Board. The lot in question contains approximately 14,270 square feet of land area.

LILIAN PENAFIEL: 589 Plainfield Street, Lot 126 on the Tax Assessor's Plat 112 located in a Residential R-2 Two-Family Zone. The applicant proposes to change the use of the building from a

two-family dwelling to a single-family structure and seeks a SPECIAL USE PERMIT pursuant to Section 419.2 to include a home occupation, an office for insurance, credit repair orientation, translations, etc. within the single-family dwelling. The lot in question contains approximately 4,055 square feet of land area.

Pursuant to Section 902.1, the Board will meet as an Appellate Board concerning the following matter regarding a decision rendered by the Director of the Department of Inspection and Standards:

APPELLANT: John Cicilline

PROPERTY OWNER: Anthony Caprio

PROPERTY LOCATION: 424 Broadway also known as Lot 412 on the Tax Assessor's Plat 32

ZONING DISTRICT: R-P Residential Professional District

The Director has determined that the legal use of the existing lower level office falls under the categories of Use Codes 24.5 Medical and Dental and 46.1 Professional Services pursuant to Section 303 of the Zoning Ordinance and that said use codes are permitted within the R-P Zone. The Appellant contends that the functions being conducted at the subject property do not qualify under the aforementioned use codes.

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.