

**CITY OF PROVIDENCE**

**PUBLIC NOTICE**

**ZONING BOARD OF REVIEW**

190 DYER STREET

PROVIDENCE, RHODE ISLAND 02903

OCTOBER 15, 2003

Notice is hereby given that the Zoning Board of Review will meet as an Appellate Board concerning a decision of the DOWNCITY Design Review Committee. **The Board will hear the following matter in the Probate Court Room, fifth floor, City Hall, Wednesday, October 29, 2003, at four-thirty o'clock p.m.**

4:30 P.M.

APPEAL FROM THE DECISION OF THE DOWNCITY DESIGN REVIEW COMMITTEE (DRC): Property Owner: 56 Associates; Appellant: Joseph R. Paolino, Jr.; Location of Premises: Providence Tax Assessor's Plat 25, Lots 350, 351 & 353 also known as 106-122 Mathewson Street. The Appellant contends that the DRC's decision denying a proposed new parking deck is based on prejudicial and/or clear error and it lacks support by the weight of the evidence on the record.

APPEAL FROM THE DECISION OF THE DOWNCITY DESIGN REVIEW COMMITTEE (DRC): Property Owner: MSI Holdings, LLC; Appellant: Broad Sword Properties, LLC; Location of Premises: Providence Tax Assessor's Plat 10 Lots 32, 355 and 552 also known as 137-171 Canal Street. The Appellant proposes to construct a 13 story (130' in height) building for a restaurant, coffeehouse and 96 apartments including a parking garage. The DRC granted conditional approval for the project. The Appellant is appealing: (1) the DRC's approval of the 30 percent height bonus contingent upon the granting of a dimensional variance, (2) denial of the parking garage on the second floor, and (3) denial of the ten-foot recess line for buildings over six-stories in height.

Notice is hereby given that the Zoning Board of Review will be in session in the Probate Court Room, fifth floor, City Hall, Wednesday, October 29, 2003, at 5:00 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.

WHERE THERE'S A WILL, LLC, OWNER AND DAILY BREAD CORP.,  
APPLICANT: 184-188 Broadway (corner Ringgold Street), Lot 20 on Assessor's Plat 28 in a Residential Professional R-P Zone and Broadway Historic District; to be relieved from Sections 201.7, 205.1, 303-use code 57.1, 401.1 and 703.2 in the proposed addition of seating within this legally existing wholesale and retail store and bakery. No construction or alteration will take place on the exterior of the building. A restroom would be added to the interior of the existing footprint of the building. The applicant is requesting a use variance in order to expand this legal nonconforming use by placement of up to 50 seats within the approximate 1600 square feet of interior retail area and seasonally out-of-doors on the 15'8" sidewalk directly in front of the building. The existing use of the property is nonconforming by parking, because the structure occupies most of the lot and no on-site parking spaces can be created, therefore, the applicant is requesting a dimensional variance from the parking regulations that require 13 additional parking spaces for the proposed seating. The lot in question contains approximately 5,055-sq. ft. of land area.

SAMUEL & ELLEN CARROZZA: 187-189 & 191 Dean Street, Lot 277 on Assessor's Plat 28 in a Residence R-3 Zone; to be relieved from Sections 303-use code 14 and 304 in the proposed change in the use of the building from one store and two-dwelling units to four dwelling units only. The applicant is requesting a use variance for the four units in this residential three-family district and a dimensional variance relating to regulations governing lot area per dwelling unit, whereby, the third dwelling unit requires a 6,000 square foot lot and the fourth unit requires a use variance. The lot in question contains approximately 2,138-sq. ft. of land area.

JAMMAT HOUSING & COMMUNITY DEVELOPMENT CORP.: 696-712 Elmwood Avenue & 239-241 Sackett Street (bounded by Warrington Street) Lots 114 & 110 on Assessor's Plat 60 in a Residence R-2 and Commercial C-2 Zone; to be relieved from Sections 401 and 703.2. This existing structure houses three commercial units. The applicant proposes to renovate the northerly unit for a day care center. Relief is being sought from regulations governing outdoor uses relating to an exterior play area and the parking requirement, whereby, 20 parking spaces are required, 14 spaces would be provided. The lots in question contain approximately 33,831-sq. ft. of land area.

PATRICK J. BROWN, BRIAN RAPOZA, LISA MEDAS & CARL RAPOZA,  
OWNERS, JOSEPH J. MILLER, APPLICANT AND 7-ELEVEN, INC. LESSEE: 837 Allens Avenue & 117 Carolina Avenue, Lots 305 & 772 on Assessor's Plat 101 in a Commercial C-1 and Industrial M-1 Zone; to be relieved from Sections 303-use code 45, 409.2(A), 409.2(B), 409.3(A) and 409.3(D) in the proposed construction of a 2,960 square foot building that would house a convenience store with retail gasoline sales. A 102' x 24' canopy is proposed above the pump islands. The store and canopy are permitted as of right in the M-1 and C-1 districts. The applicant is requesting a use variance for the retail gasoline sales in the C-1 zone. A dimensional variance is also requested relating to regulations governing building setback, access driveways, and maximum length of curb cuts. The lots in question contain approximately 20,160-sq. ft. of land area.

JULIO A. DURAN: 776 Broad Street (bounded by Potters Ave. & Gladstone St.) Lot 942 on Assessor's Plat 48 in a Commercial C-2 Zone; to be relieved from Sections 201.7, 303-use code 45 and 507.4(O). The subject property is legally being used as a motor vehicle repair facility. The applicant is requesting a use variance in order to expand this nonconforming use by adding the sales and storage of second hand tires. Further, the applicant is requesting that a storage cabinet be installed at the north side of the property at Potters Avenue less than the required 20 feet from the property line. The lot in question contains approximately 10,000-sq. ft. of land area.

OMNI DEVELOPMENT CORP., OWNER & APPLICANT AND CLEANSCAPE, INC., LESSEE: 150 Colfax Street, (bounded by Thurbers Avenue & Prairie Avenue) Lots 23, 130, 131, 132, 133, 137 & 138 on Assessor's Plat 53 in a Commercial C-2 Zone; to be relieved from Sections 201.8 and 303-use code 77.4. The current legal use of the property is a warehouse and offices. The applicant is requesting a use variance and proposes to add materials processing within this existing building, whereby, loading and unloading of recyclable materials, mostly paper and plastic would take place and these materials would be stored until a truckload is accumulated for marketing. Materials' processing is not permitted within this commercial C-2 district. The lots in question contain approximately 45,523-sq. ft. of land area.

IGLESIA PENTECOSTAL MONTE SINAI: 1183 Eddy Street (bounded by Porter St. & Johnson Street) Lots 152, 153, 154 & 155 on Assessor's Plat 58 in a Residence R-2 Zone; to be relieved from Section 703.2 pursuant to Section 200 in the proposed change in the use of the building from a store & storage to a church. A church is a legal use in this residential R-2 district. The applicant would construct a 39' x 50' addition to the existing building. A dimensional variance is being sought relating to the parking requirement, whereby, 67 parking spaces are required, 43 spaces would be provided. The lots in question contain approximately 20,000-sq. ft. of land area.

CUMBERLAND FARMS, INC.: 33-35 Plainfield Street, Lot 416 on Assessor's Plat 105 in a Commercial C-2 Zone; to be relieved from Sections 303-use code 45, 407, 409 and 607.3 pursuant to Section 200. The applicant proposes to add a canopy over the pump islands and replacement of the existing signs on the property by decreasing the amount of square footage of signs from 638.3 to 610.2 sq. ft. The proposed signs would still exceed the total square footage allowed. This legally existing gasoline service station is a nonconforming use in this commercial C-2 zoning district, therefore, the applicant is requesting a use variance to change the signs and a dimensional variance relating to the amount of signage proposed. The lot in question contains approximately 13,256-sq. ft. of land area.

6:30 P.M.

WALTER F. MC LAUGHLIN, OWNER & APPLICANT AND MC LAUGHLIN AUTOMOTIVE STORES, LESSEE: 349 Plainfield Street, Lot 308 on Assessor's Plat 105 in a Residence R-2 Zone; to be relieved from Sections 303-use code 64.1 and 425 in the proposed development of this vacant lot into a parking lot for company vehicles related to the business located at 348 Plainfield Street (plat 108, lot 488) across from the subject site. The applicant is requesting a use variance for the parking lot in this R-2

residential zoning district and a dimensional variance relating to regulations governing landscaping and trees. The lot in question contains approximately 3,125-sq. ft. of land area.

PUTNEY REALTY LLC.: 46-48 North Court Street, Lot 601 on Assessor's Plat 10 in a Residence R-2 Zone and College Hill Historic District: to be relieved from Sections 201.6, 201.7 and 304 in the proposed alteration of the attic space that would be converted to storage and laundry areas for this legally existing three-family dwelling. The applicant is requesting a dimensional variance and seeks relief from regulations governing the height restriction, whereby the alteration of the attic space for occupancy would create a third level that would exceed the height restriction. The lot in question contains approximately 3,584-sq. ft. of land area.

YORK ASSOCIATES, LLC: 139, 141 & 143 Elmgrove Avenue, Lot 162 on Assessor's Plat 39 in a Commercial C-1 Zone; to be relieved from Section 703.2 in the proposed construction of an addition at the rear of this existing building housing three commercial spaces. The applicant proposes to construct a 19' x 20' addition to the rear of 139 Elmgrove Avenue; a 20' x 24' addition to the rear of 141 Elmgrove Avenue; and a 20' x 24' addition to the rear of 143 Elmgrove Avenue. The addition complies with the use regulations and the setback requirements of the Zoning Ordinance. The applicant is requesting a dimensional variance from the parking requirement, whereby, the new construction requires 3 parking spaces and no on-site parking is available. The lot in question contains approximately 6,000-sq. ft. of land area.

ERNEST & CHRISTINE RAMEY AND MALCOLM & JOAN BADWAY: 771-775 Potters Avenue, Lot 510 on Assessor's Plat 43 in a Residence R-3 Zone; to be relieved from Section 303-use code 14 in the proposed change in the use of the building from a school to 12 dwelling units. The applicant is requesting a use variance in order to renovate the building for multi-family use in this R-3 three-family district. The lot in question contains approximately 25,289-sq. ft. of land area.

SOVANNDORN PICH & SOPHY KHIEV, OWNERS & NE PROPERTIES, INC., APPLICANT: 255-257 Waldo Street & 35-37 Linwood Avenue, Lot 162 on Assessor's Plat 42 in a Residence R-3 Zone; to be relieved from Sections 105.3, 304 and 704.2 in the proposed division of lot 162 into 2 lots. One new lot would contain 3,280 square feet of land area upon which the existing three-family dwelling would remain at 255-257 Waldo Street. A second lot would be created having 6,720-sq. ft. of land area upon which the existing two-family dwelling would remain at 35-37 Linwood Avenue. The applicant is requesting a dimensional variance and seeks relief from regulations governing lot size conformance and the rear yard paving restriction (255-257 Waldo St.) and the rear yard setback requirement (35-37 Linwood Ave.). The lot in question contains approximately 10,000-sq. ft. of land area.

MOUNT HOPE COMMUNITY BAPTIST CHURCH: 734 Hope Street, (Corner of Rochambeau Avenue) Lot 317 on Assessor's Plat 6 in a Residence R-2 Zone; to be relieved from Section 607.1 in the proposed removal of the existing church identification sign and the installation of an 8'11" x 5" freestanding identification/message sign at the

northeast corner of the property that would be 8 feet in height from grade to peak. The applicant is requesting a dimensional variance and seeks relief from regulations governing sign height and maximum sign area allowed. The lot in question contains approximately 15,611-sq. ft. of land area.

THE PARISH OF THE CHURCH OF THE REDEEMER, OWNER AND NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., APPLICANT: 655 Hope Street, Lot 357 on Assessor's Plat 6 in a Residential R-2 Zone; to be relieved from Sections 303-use code 65.1 and 304 in the proposed installation of four flush mounted panel antennas to the façade of the existing church steeple. The applicant is requesting a special use permit for the installation of the antennas in this residential R-2 district, and a dimensional variance relating to the height restriction. The lot in question contains approximately 33,083-sq. ft. of land area.

CUMBERLAND FARMS, INC.: 751 Hope Street, Lot 167 on Assessor's Plat 93 in a Commercial C-2 Zone; to be relieved from Sections 201.7 and 303-use code 45 pursuant to Section 200 in the proposed removal of 3 underground gasoline single walled storage tanks with a total storage capacity of 18,000 gallons (6,000 gallons each). The applicant proposes to replace these tanks with double walled fiberglass tanks with a total capacity of 32,000 gallons of gasoline (2-12,000 gallon tanks & 1-8,000 gallon tank). Further proposed is the removal of an existing 24' x 48' canopy above the pump islands and the replacement of a new 36' x 44.3' canopy that would contain a fire suppression system. The applicant is requesting a use variance in order to increase the number of gallons in this commercial C-1 district that does not permit gasoline service stations. The lot in question contains approximately 11,762-sq. ft. of land area.

ABBOTT ST. ASSOCIATES LLC: 74 Abbott Street, Lot 131 on Assessor's Plat 5 in a Residence R-3 Zone; to be relieved from Sections 304 and 704.2 in the proposed construction of a 47'2" x 50' three-story building housing three dwelling units. A three family dwelling is permitted in this R-3 district. The applicant is requesting a dimensional variance and seeks relief from regulations governing the height restriction, the front yard paving restriction and the number of driveways. The lot in question contains approximately 7,582-sq. ft. of land area.

ELMWOOD NEIGHBORHOOD REVITALIZATION, LP II: 54-56 Moore Street, Lot 94 on Assessor's Plat 44 in a Residence R-2 Zone and Elmwood Historic District; to be relieved from Sections 202.5 and 304.1 in the proposed use of the third floor of this legally existing two-family dwelling for a bedroom and bathroom combined with the second floor unit. The structure would remain a two-family dwelling. The applicant is requesting a dimensional variance and seeks relief from regulations governing expansion of a non-conforming use (by dimension - lot size) and the height restriction, whereby, the alteration of this attic space for occupancy would create a third level that would exceed the height restriction. The lot in question contains approximately 3,600-sq. ft. of land area.

BROWN UNIVERSITY, OWNER AND CITY OF PROVIDENCE, POLICE DEPARTMENT, APPLICANT: 248-250 Brook Street, Lot 634 on Assessor's Plat 16 in a Residence R-1 Zone and I-2 Institutional Overlay District. The applicant is requesting

a special use permit pursuant to Section 303-use code 25.2 in the proposed use of a portion of the building for a police sub-station. The lot in question contains approximately 7,327-sq. ft. of land area.

FACILITIES ARE ACCESSIBLE TO PEOPLE WITH DISABILITIES. IF YOU ARE IN NEED OF INTERPRETER SERVICES FOR THE HEARING IMPAIRED, PLEASE CONTACT THE MAYOR'S CITIZENS ASSISTANCE OFFICE AT 751-0203(TDD) WITHIN 48 HOURS OF THE MEETING.

PETER D. CARNEVALE, SECRETARY