

CITY OF PROVIDENCE  
ZONING BOARD OF REVIEW

INSPECTION & STANDARDS  
RECEIVED

JUL 22 2024

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought:

- Variance – Use\*  
 Variance – Dimensional\*  
 Special Use Permit\*\*

\* Attach APPENDIX A to apply for a Use or Dimensional Variance

\*\* Attach APPENDIX B to apply for a Special Use Permit

If a section of the application is not applicable, please indicate this by using N/A in that field.

Applicant: Anthony Rosciti, Jr Applicant Mailing Address  
Email: jrocha@duffysweeney.com Street: c/o 321 South Main Street, #400  
Phone: 401-455-0700 City, State, Zip: Providence, RI 02903

Owner: Halsey Land LLC Owner Mailing Address  
Email: j.paolino@paolinoproperties.com Street: 100 Westminster Street, Suite 1700  
Phone: 401-274-6611 City, State, Zip: Providence, RI 02903

Lessee: \_\_\_\_\_ Lessee Mailing Address  
Email: \_\_\_\_\_ Street: \_\_\_\_\_  
Phone: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Attorney: Joelle C. Rocha Attorney Mailing Address  
Email: jrocha@duffysweeney.com Street: 321 S. Main Street, Suite 400  
Phone: 401-455-0700 City, State, Zip: Providence, RI 02903

Does the proposal require review by any of the following:

- Downtown Design Review Committee  
 I-195 Redevelopment District Commission  
 Capital Center Commission  
 Historic District Commission

1. Street Address of Subject Property: 138 Prospect Street  
Plat and Lot Numbers of Subject Property: Assessor's Plat 9, Lot 616

2. **Base Zoning District(s):** \_\_\_\_\_  
**Overlay District(s):** \_\_\_\_\_

3a. **Date owner purchased the Property:** \_\_\_\_\_

3b. **Month/year of lessee's occupancy:** \_\_\_\_\_

4. **Dimensions of each lot:**

Lot # _____	Width _____	Depth _____	Total area _____ sq. ft.
Lot # _____	Width _____	Depth _____	Total area _____ sq. ft.
Lot # _____	Width _____	Depth _____	Total area _____ sq. ft.
Lot # _____	Width _____	Depth _____	Total area _____ sq. ft.

5a. **Size of existing structure(s) located on the Property:**

<u>Principal Structure:</u>	<u>Accessory Structure:</u>
Area of Footprint _____	Area of Footprint _____
Overall Height _____	Overall Height _____
# of Stories _____	# of Stories _____

5b. **Size of proposed structure(s) located on the Property:**

<u>Principal Structure:</u>	<u>Accessory Structure:</u>
Area of Footprint _____	Area of Footprint _____
Overall Height _____	Overall Height _____
# of Stories _____	# of Stories _____

6a. **Existing Lot Coverage:**

Building Coverage (area of all roofed structures) \_\_\_\_\_  
Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) \_\_\_\_\_  
Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) \_\_\_\_\_  
Front Yard Impervious Coverage (area of structures and impervious surface in front yard) \_\_\_\_\_

6b. **Proposed Lot Coverage:**

Building Coverage (area of all roofed structures) \_\_\_\_\_  
Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) \_\_\_\_\_  
Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) \_\_\_\_\_  
Front Yard Impervious Coverage (area of structures and impervious surface in front yard) \_\_\_\_\_

7a. **Present Zoning Use of the Property:** \_\_\_\_\_

7b. **Legal Zoning Use of the Property as recorded in the Dept. of Inspection & Standards:**  
\_\_\_\_\_

8. **Proposed Zoning Use of the Property:** \_\_\_\_\_

9. **Number of Parking Spaces:**

# of existing spaces \_\_\_\_\_ # of proposed spaces \_\_\_\_\_

10. **Are there outstanding violations concerning the Property under any of the following:**

\_\_\_\_ Zoning Ordinance      \_\_\_\_ RI State Building or Property Maintenance Code(s)

**11a. List all Zoning Ordinance Sections from which a variance is sought:**

**Section Number    Section Title + Quantity of relief, if applicable (eg. 4' setback where 6' required)**

_____	_____
_____	_____
_____	_____
_____	_____

**11b. Identify the section(s) of the Zoning Ordinance that provide for the special use permit, and list all section(s) which provide Use Standards for the proposed Special Use(s):**

**Section Number    Section Title**

_____	_____
_____	_____

**12. Summarize any changes proposed for the Property (use, construction/renovation, site alteration):**

\_\_\_\_\_

*The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application.*

*The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. **Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements. As indicated on the instructions page, this application may not be signed by an attorney on behalf of their client(s).***

**Owner(s):**

**Applicant(s):**

\_\_\_\_\_  
*Type Name*

\_\_\_\_\_  
*Type Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Type Name*

\_\_\_\_\_  
*Type Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

**SEE FOLLOWING PAGES FOR SIGNATURES**

***All applicable requirements listed and described on the Instruction Sheet shall be met or this application will not be considered complete.***

11a. List all Zoning Ordinance Sections from which a variance is sought:

Section Number Section Title + Quantity of relief, if applicable (eg. 4' setback where 6' required)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11b. Identify the section(s) of the Zoning Ordinance that provide for the special use permit, and list all section(s) which provide Use Standards for the proposed Special Use(s):

Section Number Section Title

\_\_\_\_\_  
\_\_\_\_\_

12. Summarize any changes proposed for the Property (use, construction/renovation, site alteration):

Construct single family home on vacant lot.

\_\_\_\_\_  
*The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application.*

*The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements. As indicated on the instructions page, this application may not be signed by an attorney on behalf of their client(s).*

**Owner(s):**

Halsey Land LLC

Type Name

Joseph R. Paolino, Jr.

Signature

Type Name

Signature

**Applicant(s):**

Anthony Rosciti, Jr.

Type Name

Signature

Type Name

Signature

**All applicable requirements listed and described on the Instruction Sheet shall be met or this application will not be considered complete.**



**11a. List all Zoning Ordinance Sections from which a variance is sought:**

Section Number   Section Title + Quantity of relief, if applicable (eg. 4' setback where 6' required)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11b. Identify the section(s) of the Zoning Ordinance that provide for the special use permit, and list all section(s) which provide Use Standards for the proposed Special Use(s):**

Section Number   Section Title

\_\_\_\_\_  
\_\_\_\_\_

**12. Summarize any changes proposed for the Property (use, construction/renovation, site alteration):**

Construct single family home on vacant lot.

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**Owner(s):**

Halsey Land LLC

Type Name

Joseph R. Paolino, Jr.

Signature

Type Name

Signature

**Applicant(s):**

Anthony Rosciti, Jr.

Type Name

Signature

Type Name

Signature

***All applicable requirements listed and described on the Instruction Sheet shall be met or this application will not be considered complete.***

## APPENDIX A

### APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(d) and (e) require that the Applicant for a variance demonstrate:

1. 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; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16);
2. That the hardship is not the result of any prior action of the applicant;
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based; and
4. (a) For a **use variance**: That the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance;  
(b) For a **dimensional variance**: That the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted.

**Please provide the following information:**

1. **What is the specific hardship from which the applicant seeks relief?**

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2. **Specify all unique characteristics of the land or structure that cause the hardship:**

---

3. (a) **Is the hardship caused by an economic disability?** Yes \_\_\_\_\_ No \_\_\_\_\_  
(b) **Is the hardship caused by a physical disability?** Yes \_\_\_\_\_ No \_\_\_\_\_  
(c) **If the response to subsection (b) is "yes," is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.?** Yes \_\_\_\_\_ No \_\_\_\_\_

4. Did the owner/applicant take any prior action with respect to the Property that resulted in the need for the variance requested? (Examples include, but are not limited to, any changes the owner/applicant made to the structure(s), lot lines, or land, or changes in use of the Property)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes," describe any and all such prior action(s) and state the month/year taken:

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5. If you are seeking a USE VARIANCE, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district:

- 
6. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience:

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***IF MORE ROOM IS NEEDED TO ANSWER ANY OF THE ABOVE QUESTIONS, PLEASE SUBMIT AN  
ADDENDUM TO THIS APPENDIX WITH COMPLETE RESPONSES.***

**PROVIDENCE ZONING BOARD**

**IN RE: 138 PROSPECT STREET**

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF APPLICATION FOR  
DIMENSIONAL VARIANCE FOR 138 PROSPECT STREET**

To expand on the standards set forth in Appendix A of the Application:

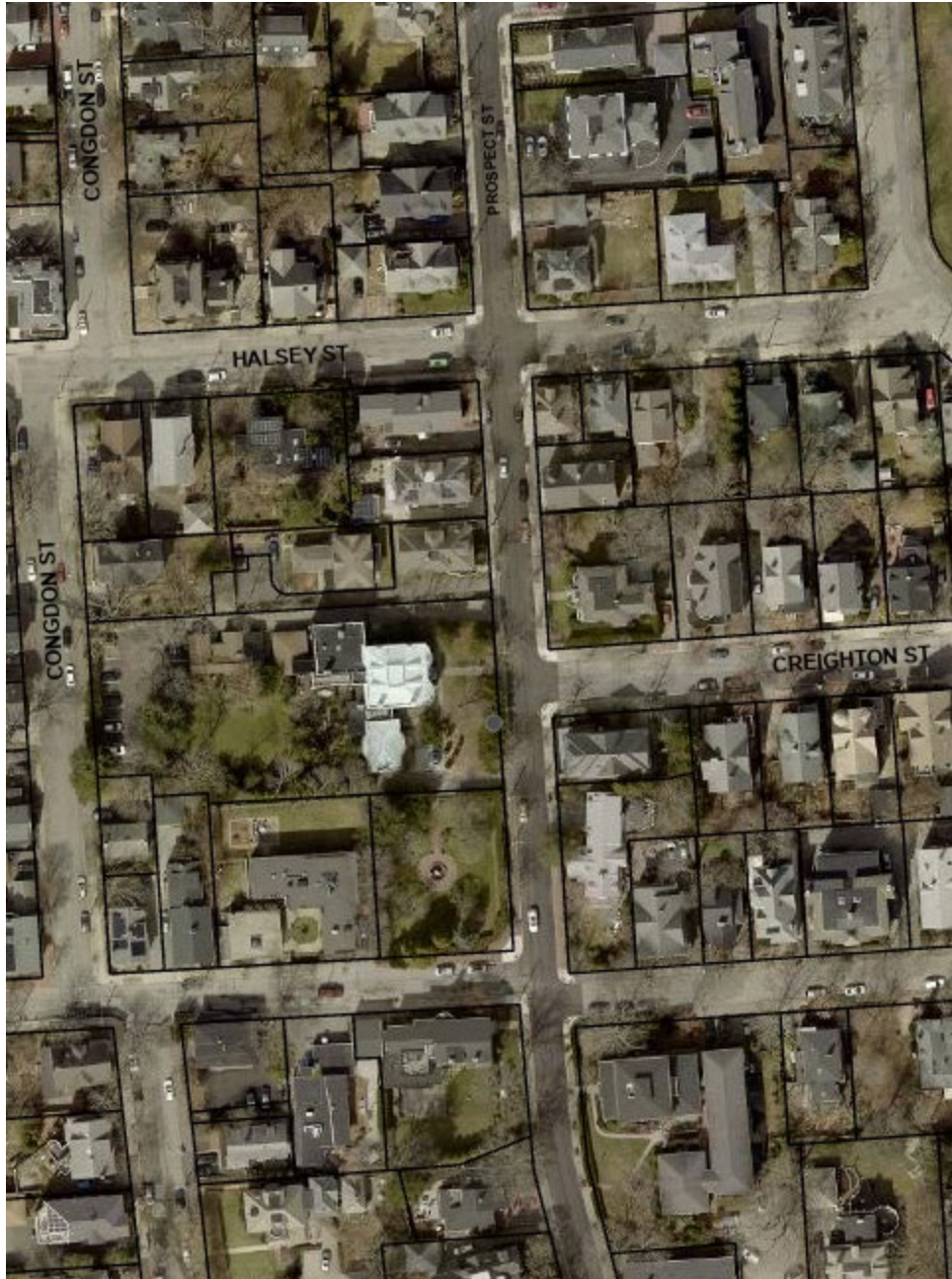
The applicant, Anthony Rosciti, Jr. (“Applicant”) seeks 15.5 ft of relief from the front setback/build-to zone as reasonable relief to situate an allowed use (single family home) and accessory structure at 138 Prospect Street, Providence, Rhode Island. The Property was once subdivided from the full Halsey Estate. The proposed front setback is in line and consistent with numerous properties in the area. However, the build-to zone, as required to be calculated in the Zoning Ordinance, is larger than the vast majority of properties in the area, due to the Halsey Estate construction at 140 Prospect which has a 44’ setback.

In determining the build-to zone, the Providence Zoning Ordinance requires a determination of the average setback of the properties within 100’, on the same side of Prospect Street. Here, that includes only 130 and 140 Prospect:

130 Prospect: 18'-0"

140 Prospect: 44'-0"

This leads to an average under §402(B) of 31’ given the significant setback of the Halsey Estate next door at 140 Prospect. Section 402(B) lets us deduct 5’ to establish the build-to zone, bringing it to 26’. No other property in the immediate area has a setback of 26’ or greater. In fact, a review of the aerial available at Providence’s Geographic Information System (as well as a site visit) shows that most of the front setbacks in the area are around or even less than the 10.5’ setback proposed:



For additional context, these properties are within 100' but on the opposite side of Prospect:

- 137 Prospect: 3'-0"
- 133 Prospect: 5'-0"
- 125 Prospect: 13'-0"

Additionally, in expanding the view beyond 100', two other properties have setbacks consistent with (even under) the proposed setback: 120 and 142 Prospect, which are both at 10'.

The home is proposed to be situated consistent with, or even greater than, most of the other front setbacks in the area. The average is thrown off by the estate next door, which has a

front setback of 44'. If that lot is removed from the equation and the properties across the street within 100' are included (so 130 Prospect-18 ft, 137 Prospect-3', 133 Prospect-5' and 125 Prospect-13'), the build-to zone would be less than 10'. Here, the applicant seeks less relief than that, since the home is proposed to be at a front setback of 10'5".



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# 138 PROSPECT STREET

PROVIDENCE, RI 02906

ZONING BOARD OF REVIEW | AUGUST 14, 2024

ZDS



PROPERTY INTERIOR - FACING EAST



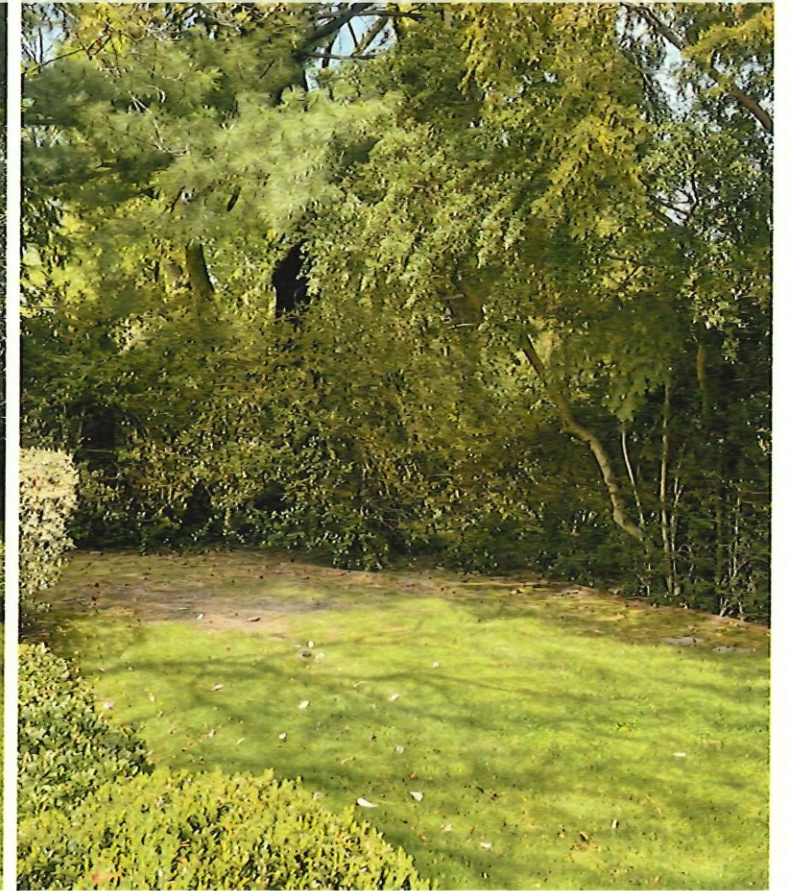
PROPERTY INTERIOR - FACING NORTH



PROPERTY INTERIOR - FACING SOUTH



PROPERTY INTERIOR - FACING WEST



JENCKES STREET - FACING EAST



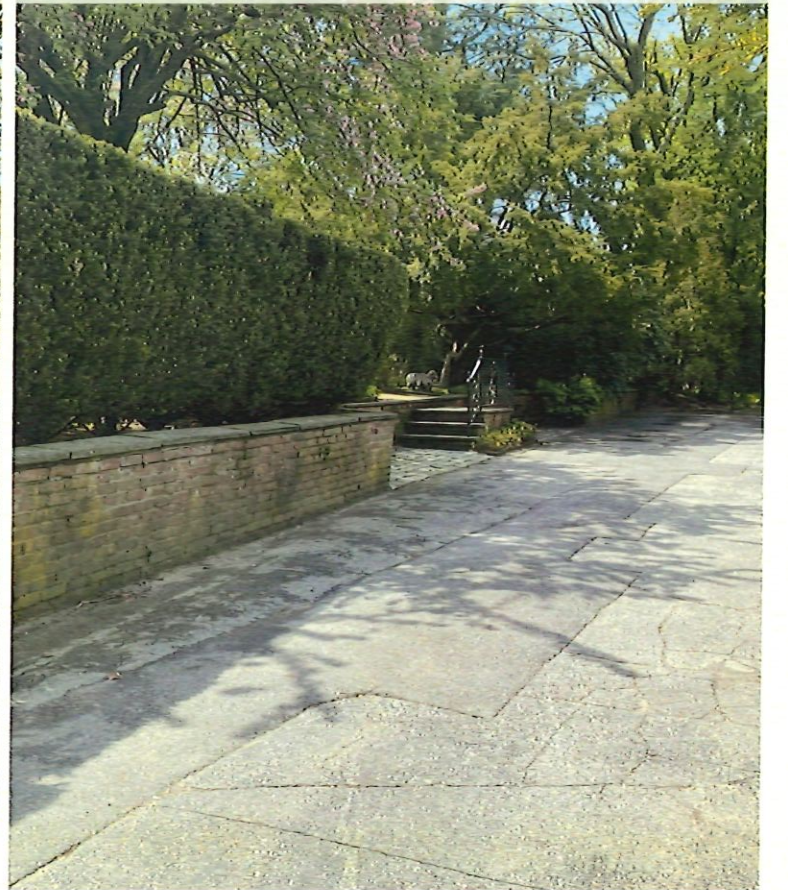
JENCKES STREET - FACING WEST



PROSPECT STREET - FACING NORTH



140 PROSPECT STREET DRIVE WAY - FACING SITE



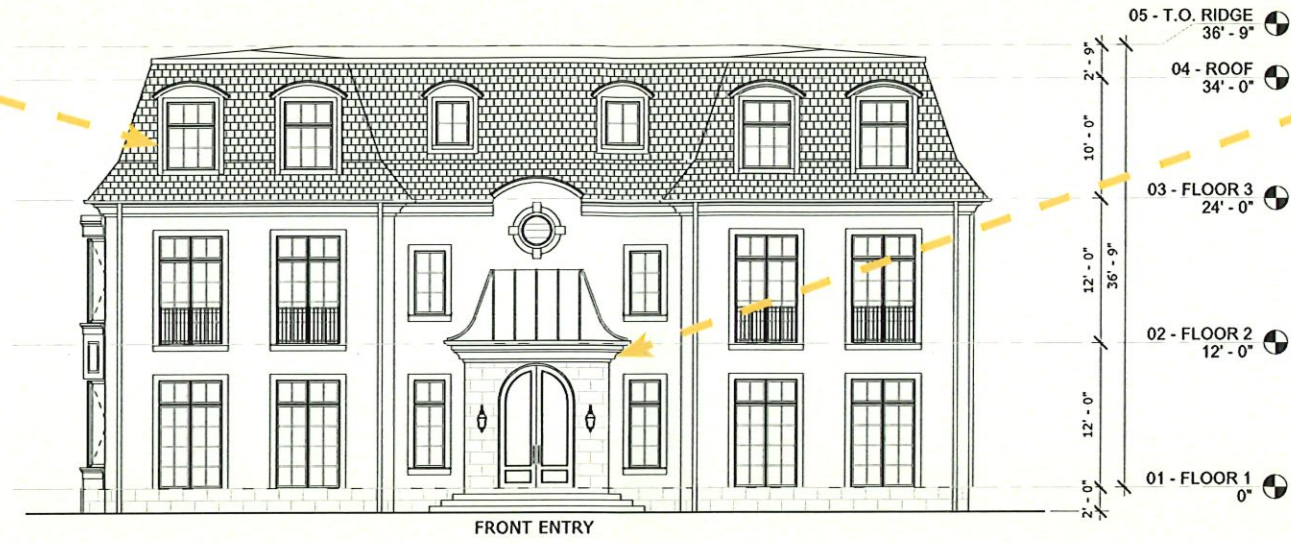


# STREET ELEVATIONS

END CAP & DORMER

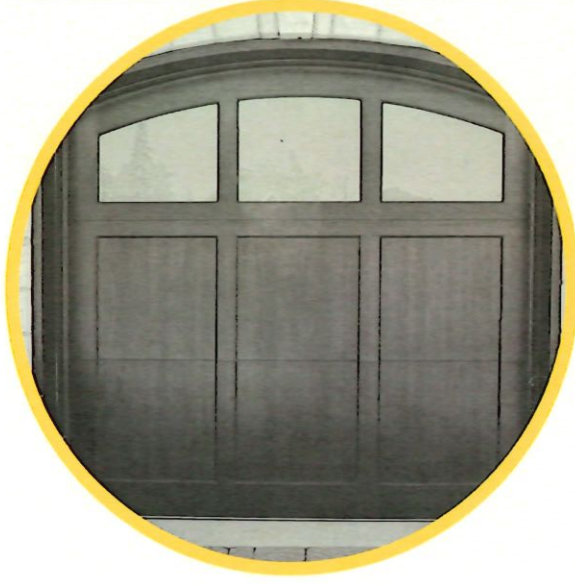


ENTRY PORTICO

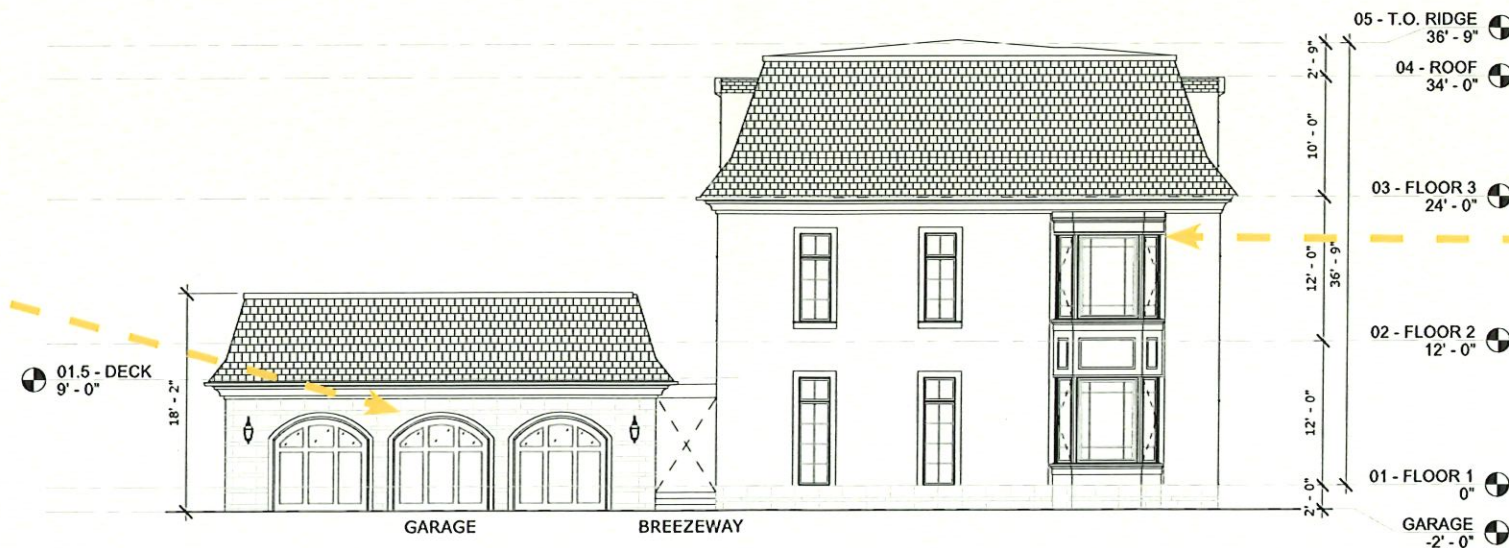


③ EAST ELEVATION - PROSPECT STREET  
1/8" = 1'-0"

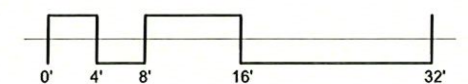
GARAGE DOOR



BAY WINDOWS



④ SOUTH ELEVATION - JENCKES STREET  
1/8" = 1'-0"



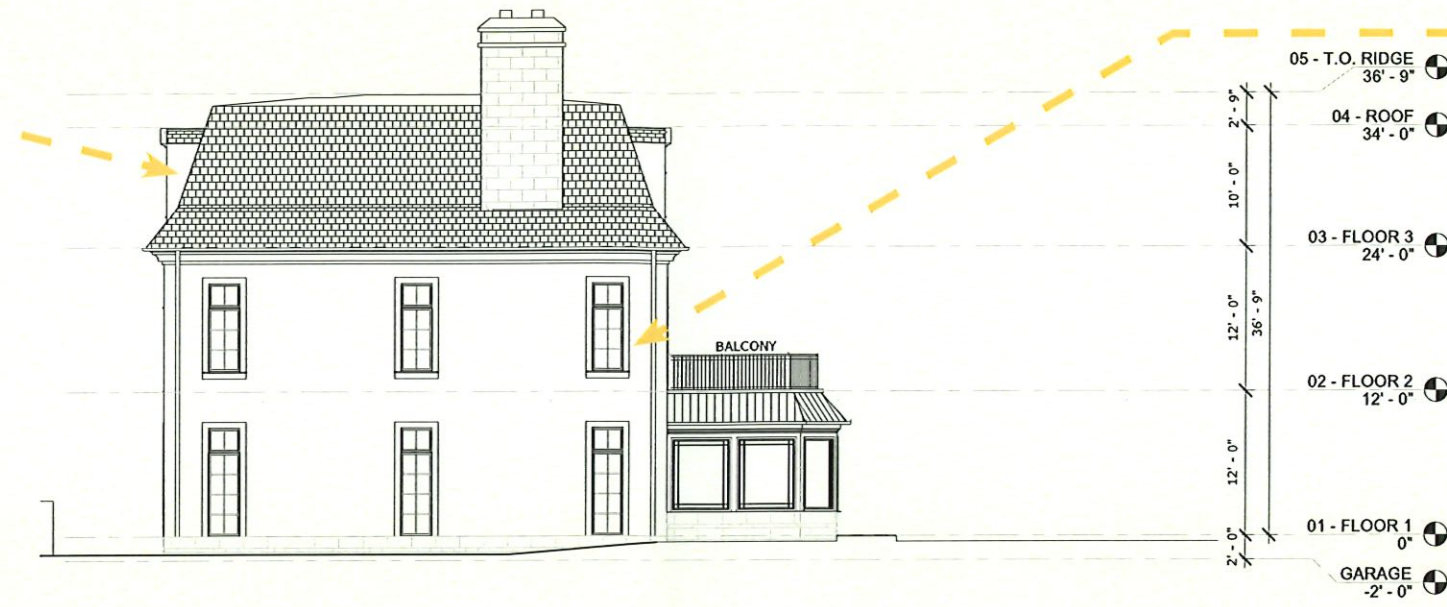


REAR & SIDE ELEVATIONS

SLATE ROOF



FRENCH DOOR

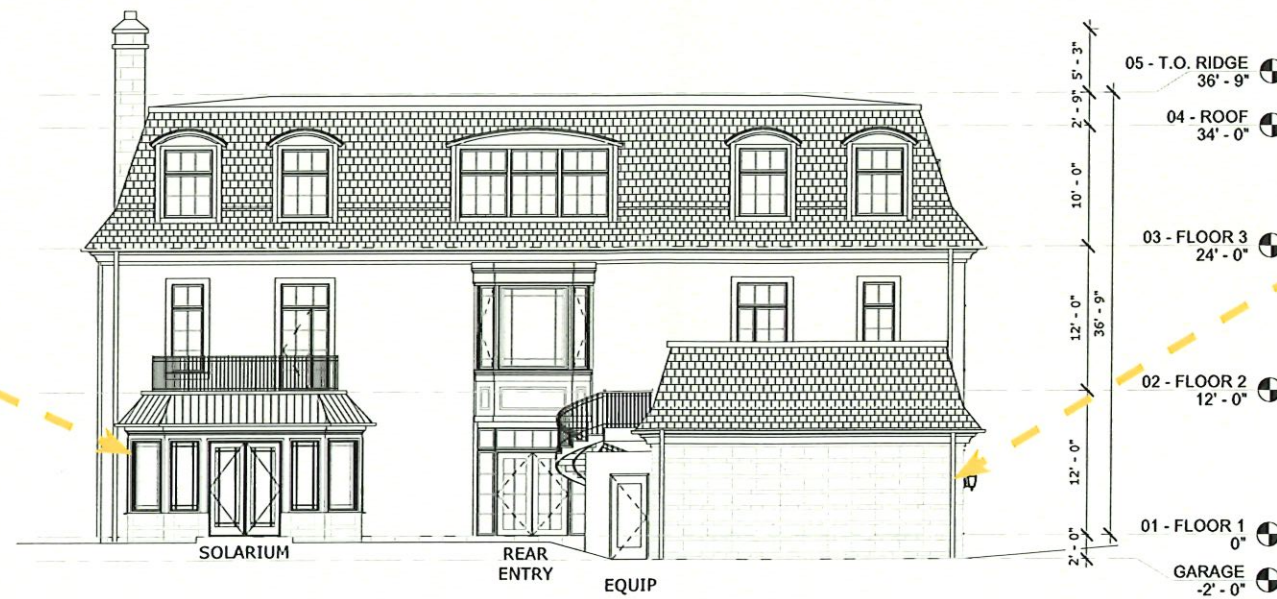


① NORTH ELEVATION - SIDE YARD  
1/8" = 1'-0"

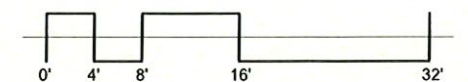
SOLARIUM



STONE MASONRY

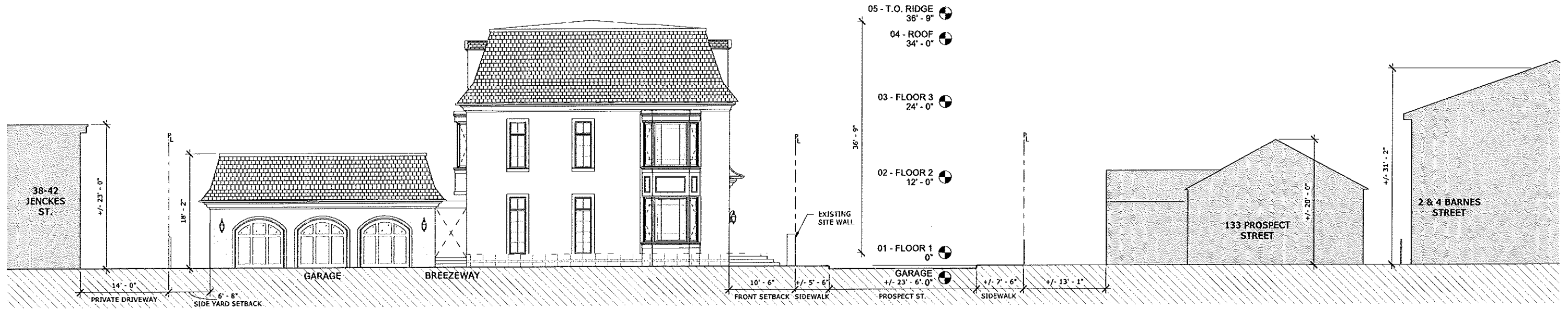


② WEST ELEVATION - REAR WITH GARAGE  
1/8" = 1'-0"

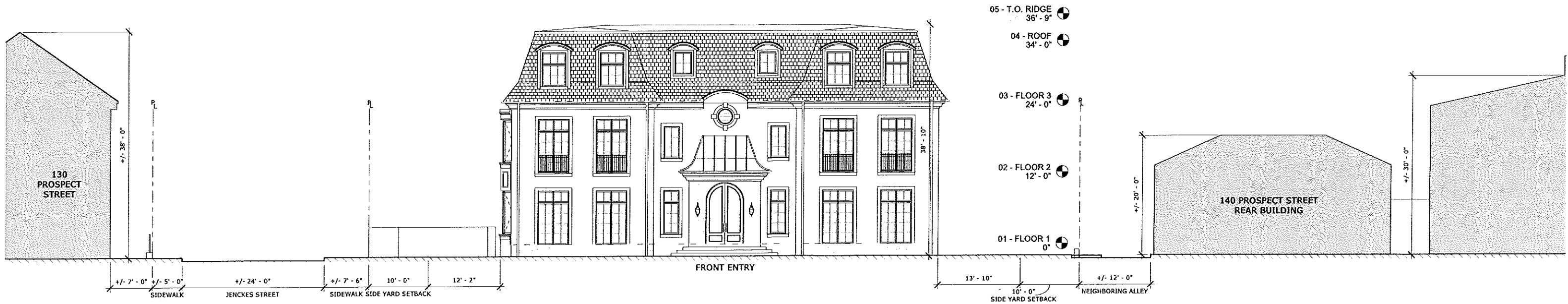




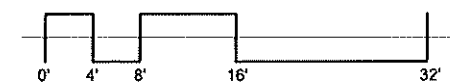
# CONTEXTUAL ELEVATIONS



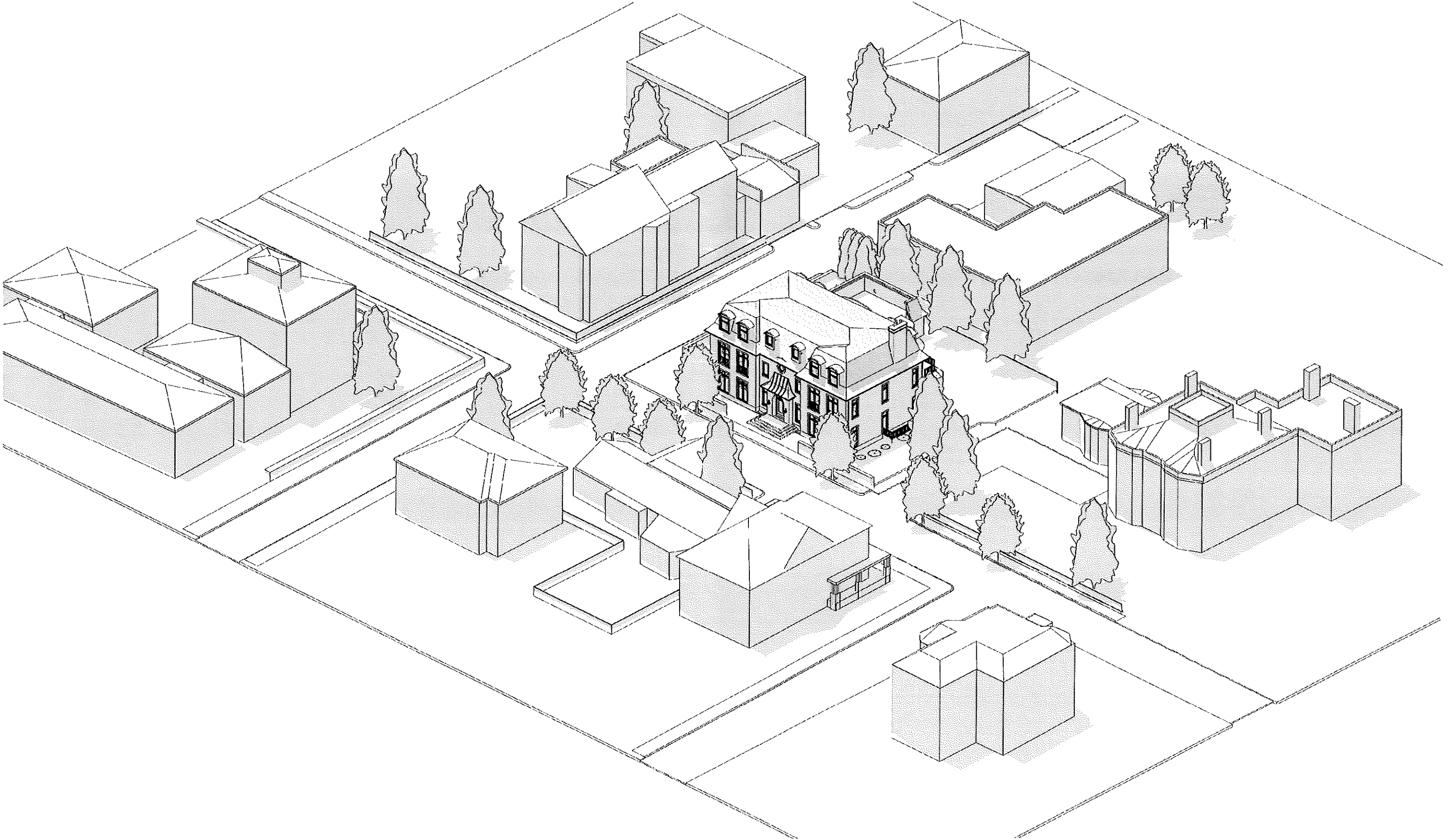
① SOUTH ELEVATION - JENCKES STREET  
1/8" = 1'-0"



② CONTEXTUAL ELEVATION - PROSPECT STREET  
1/8" = 1'-0"



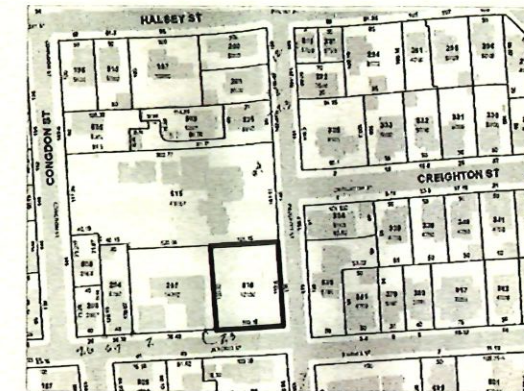
AXONOMETRIC  
SITE CONTEXT





**REFERENCE:**

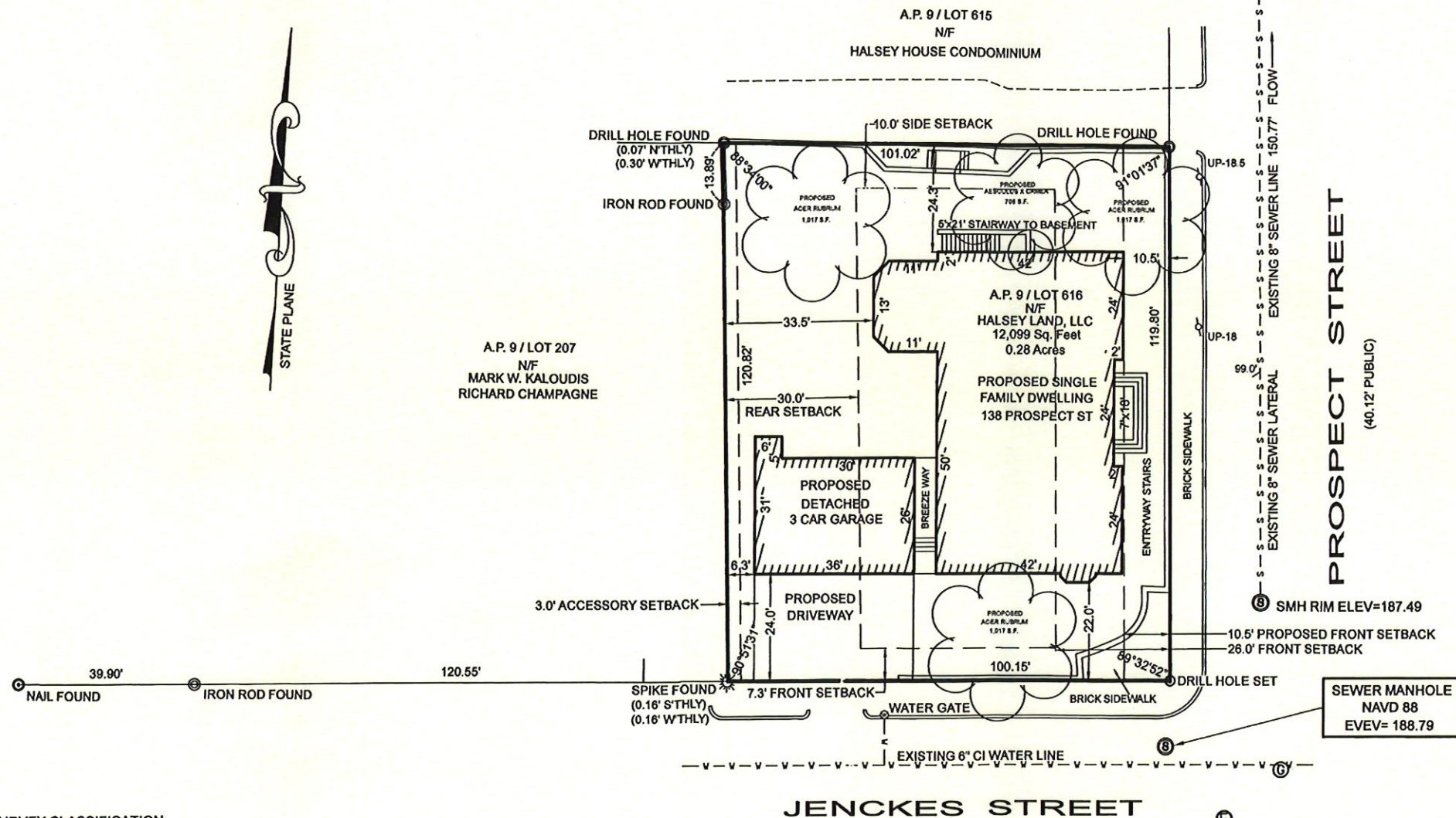
1. DEED BK. 13730 / PG. 224 DESIGNATED AS PARCEL - A ON THAT PLAT ENTITLED: "ADMINISTRATIVE SUBDIVISION PLAN, A.P. 9 / LOTS 282 & 376, PROSPECT, CONGDON & JENCKES STREETS PROVIDENCE, R.I. HALSEY REALTY, LLC, 03-01-22, BY WATERMAN ENGINEERING CO." PLAT BK. 99 / PG. 113
2. "BOUNDARY SURVEY PLAN A.P. 9 / LOT 615, PROSPECT ST & CONGDON ST. PROVIDENCE, R.I. HALSEY REALTY, LLC 03-01-22, WATERMAN ENGINEERING CO." PLAT BK. 99 / PG. 117
3. "PLAT No. 2 HALSEY ESTATE, PROVIDENCE, R.I. BY CUSHING & FARNUM, JUNE 13, 1850" PLAT BK. 2 / PG. 22
4. "PLAT OF LAND BELONGING TO EDWIN A. SMITH, BY FRANK E. WATERMAN, JANUARY 1905" PLAT BK. 28 / PG. 38
5. SUBDIVISION OF LOTS 202 & 205 FOR GEORGE L. CHIMENTO, OWNER TOWNES N. HARRIS 3rd. & ROBERT HAIG ASSOCIATES APRIL 23, 1979" PLAT BK. 43 / PG. 73



LOCUS MAP

**ZONING DISTRICT R-1**

- MINIMUM LOT AREA: EXISTING NONE / SUBDIVISION 5,000 SF.
- MINIMUM LOT WIDTH: EXISTING NONE SUBDIVISION 50 FT.
- MAXIMUM BUILDING HEIGHT: 40' - 3 STORIES / LOTS 2,500 UNDER 32' 2 STORIES
- PROPOSED BUILDING HEIGHT: 36'-9" / 3 STORIES
- MAXIMUM BUILDING COVERAGE: 45%
- PROPOSED BUILDING COVERAGE: 38%
- MAXIMUM FRONT IMPERVIOUS SURFACE COVERAGE: 33%
- PROPOSED FRONT IMPERVIOUS SURFACE COVERAGE: 33%
- MAXIMUM REAR IMPERVIOUS SURFACE COVERAGE: 50%
- PROPOSED REAR IMPERVIOUS SURFACE COVERAGE: 34%
- MAXIMUM IMPERVIOUS SURFACE COVERAGE: 65%
- PROPOSED IMPERVIOUS SURFACE COVERAGE: 51%
- MINIMUM PERVIOUS SURFACE COVERAGE: 1,000 SF.
- PROPOSED PERVIOUS SURFACE COVERAGE: 5,206 SF.
- FRONT SETBACK: SEC. 402 B AVERAGE ALIGNMENT
- AVERAGE ALIGNMENT FOR OUR SIDE OF PROSPECT STREET= 18 + 44 = 62 / 2 = 31 FT. +/- 5 = 26 FT.
- AVERAGE ALIGNMENT FOR JENCKES STREET: 7.3 FT.
- MINIMUM SIDE : LOT MORE THAN 60' : 10 FT.
- CORNER SIDE: LOT MORE THAN 60' - 10 FT.
- REAR: 30 FT.
- PROPOSED DETACHED REAR GARAGE: 6.3 FT.
- PROPOSED REAR HOUSE: 33.5 FT.
- ARTICLE 15-1 TREE CANOPY COVERAGE: 30%
- PROPOSED TREE CANOPY COVERAGE: 30%



**DIMENSIONAL CONFORMANCE SURVEY**

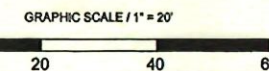
A.P. 9 / LOT 616  
138 PROSPECT STREET  
PROVIDENCE, R.I.

SCALE: 1"=20' DATE: JULY 17, 2024

PREPARED FOR:  
**ZDS, INC**

PREPARED BY:

**OCEAN STATE PLANNERS, INC.**  
1255 OAKLAWN AVENUE, CRANSTON, RI 02920  
PHONE: (401) 463-9696 info@osplanners.com  
JOB NO. 10850 / DWG. NO. 10850 - (JNP)



**SURVEY CLASSIFICATION:**

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION:  
LIMITED CONTENT BOUNDARY SURVEY CLASS I  
DATA ACCUMULATION SURVEY CLASS III

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

TO ESTABLISH AND STAKE RECORD BOUNDARY LINES FOR PROPOSED SINGLE FAMILY DWELLING.

BY: *Richard T. Bzdryra* DATE: 7/17/24

BY: RICHARD T. BZDYRA, PLS. LICENSE #1786; COA # LS-A60

THE FOLLOWING TYPES OF EVIDENCE WERE USED TO CONSTRUCT THIS SURVEY: RECORDED FOUND MONUMENTS IF ANY, NON-RECORDED MONUMENTS, LINES OF POSSESSION, AND OTHER EVIDENCE RELATIVE TO THE DEED OR PLAT. THE BOUNDARY SOLUTION IS THE COMPILATION OF INFORMATION TO DETERMINE THE MOST PROBABLE LOCATION OF THE SURVEYED PARCEL.



**NOTE:**

PER ZONING ORDINANCE 402 B-1  
AVERAGE ALIGNMENT FOR PROSPECT STREET  
130 PROSPECT STREET 18'  
140 PROSPECT STREET 44'  
AVERAGE: 18 + 44 = 62 / 2 = 31 FT. +/- 5 = 26 FT.

**NOTE:**

PER ZONING ORDINANCE 402 B-2 IF THERE ARE NO BUILDINGS ON THE SAME SIDE OF THE LOT, THEN BOTH SIDES CAN BE USED.  
AVERAGE ALIGNMENT FOR PROSPECT STREET  
130 PROSPECT STREET 18'  
140 PROSPECT STREET 44'  
137 PROSPECT STREET 3'  
133 PROSPECT STREET 4'  
125 PROSPECT STREET 11'  
AVERAGE: 16' +/- 5' = 11'











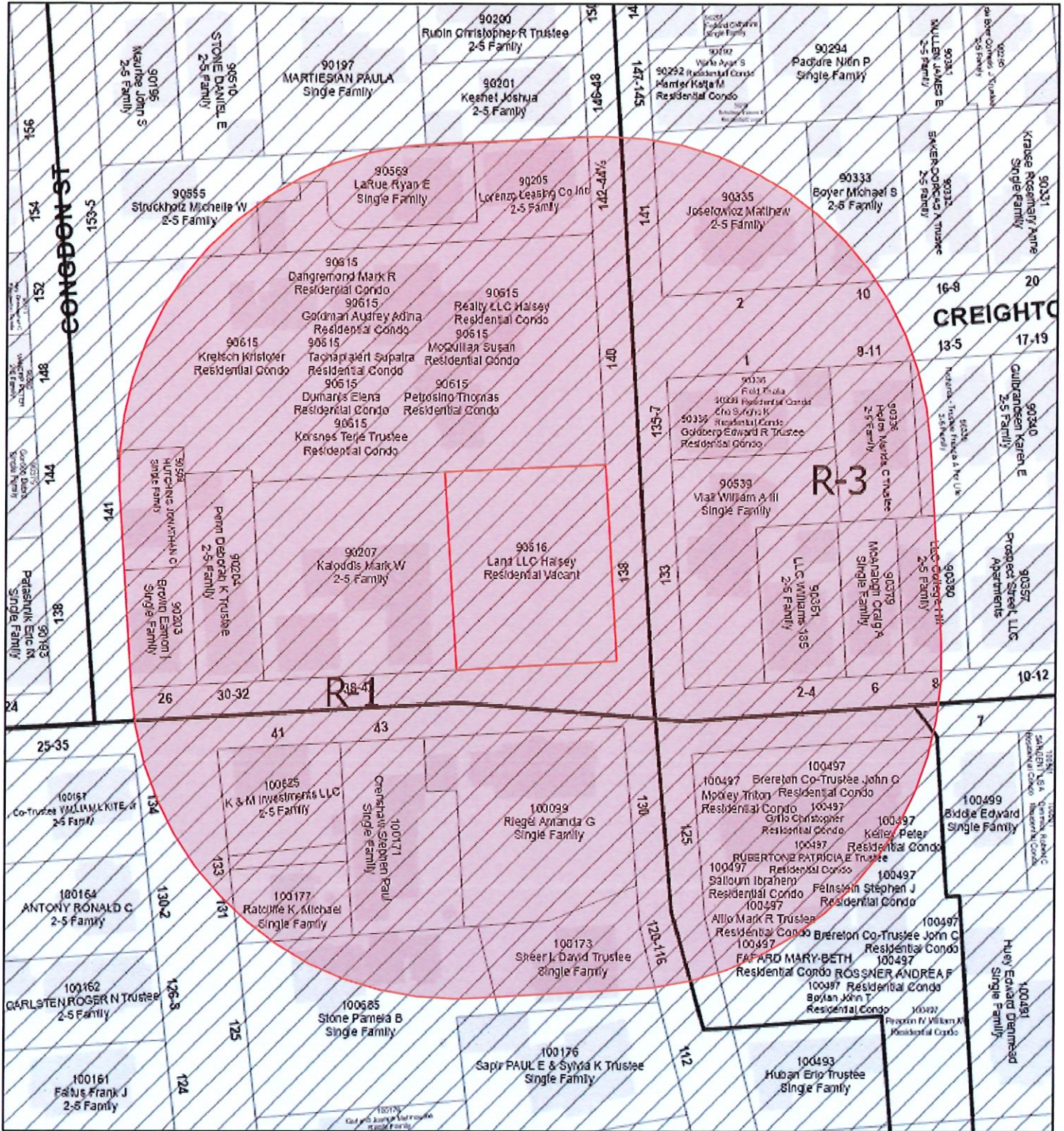








# Radius Map



6/3/2024, 1:48:57 PM

1:1,386

