

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

INSPECTION & STANDARDS
RECEIVED

OCT 30 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: Chosen Generation LLC

Applicant Mailing Address

Email: chosengenhomes@gmail.com

Street: 10 Dorrance St Ste 700

Phone: _____

City, State, Zip: Providence RI 02903

Attn to: Wale Jenyo

Owner: Same as above

Owner Mailing Address

Email: _____

Street: _____

Phone: _____

City, State, Zip: _____

Lessee: _____

Lessee Mailing Address

Email: _____

Street: _____

Phone: _____

City, State, Zip: _____

Attorney: Conley Law & Ass.

Attorney Mailing Address

Email: dconley@conleylawri.com

Street: 123 Dyer St Ste 2B

Phone: 401-415-9835

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: 148 Rugby

Plat and Lot Numbers of Subject Property: AP 054 Lot 522

2. Base Zoning District(s): R-3
Overlay District(s): N/A

3a. Date owner purchased the Property: 9/20/2024

3b. Month/year of lessee's occupancy: ----

4. Dimensions of each lot:

Lot # <u>522</u>	Width <u>31.60</u>	Depth <u>40</u>	Total area <u>1264</u> sq. ft.
Lot # <u> </u>	Width <u> </u>	Depth <u> </u>	Total area <u> </u> sq. ft.
Lot # <u> </u>	Width <u> </u>	Depth <u> </u>	Total area <u> </u> sq. ft.
Lot # <u> </u>	Width <u> </u>	Depth <u> </u>	Total area <u> </u> sq. ft.

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

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

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

<u>Principal Structure:</u>	<u>Accessory Structure:</u>
Area of Footprint <u>440</u>	Area of Footprint <u>N/A</u>
Overall Height <u>compliant w/ zone</u>	Overall Height <u> </u>
# of Stories <u>compliant</u>	# of Stories <u> </u>

6a. Existing Lot Coverage:

Building Coverage (area of all roofed structures) - VACANT

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) 34.8%

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 49.4%

Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) 0%

Front Yard Impervious Coverage (area of structures and impervious surface in front yard) 30%

7a. Present Zoning Use of the Property: - vacant

7b. Legal Zoning Use of the Property as recorded in the Dept. of Inspection & Standards:
- R3. no preexisting uses

8. Proposed Zoning Use of the Property: Single Family

9. Number of Parking Spaces:

of existing spaces 0 # of proposed spaces 1 or 0

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

0 Zoning Ordinance 0 RI State Building or Property Maintenance Code(s)

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

<u>Section Number</u>	<u>Section Title + Quantity of relief, if applicable (eg. 4' setback where 6' required)</u>
(i) Table 4-1	671sf Minimum Pervious Surface where 1000sf is required (33% relief)
or	(we cannot fit a parking space without the 33% relief of min. pervious surface)
(ii) Table 4-1	15% pervious surface relief; and
Table 14-1	1 parking space

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):

<u>Section Number</u>	<u>Section Title</u>
	N/A

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

The applicant is trying to balance (i) pervious surface, (ii) buildable footprint, and (iii) parking within the substandard lot to construct a single-family home.

Given the substandard lot size and the 1000 sf min. pervious requirement and the parking requirement, the footprint of the building is challenged. In order to provide parking, the project requires 33% relief from the pervious surface requirement. If there is no parking required, the applicant only needs a 15% modification from pervious in order to have a functional building footprint.

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):

Chosen Generation LLC

Type Name 

Signature

Type Name

Signature

Applicant(s):

SAME AS OWNER

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?**

The applicant is unable to develop a single family dwelling on the vacant substandard lot of record.

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

The lot is a substandard lot of record where new lots of record require 5000sf in an R-3 zone and the subject lot contains 1264sf. The small size of the lot triggers building restraints and pervious surface constraints.

In sum, substandard lot infill is a unique characteristic that has an inherent likelihood of a need for relief.

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:

N/A

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:

N/A

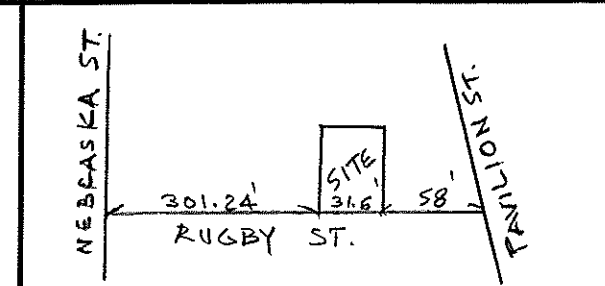
6. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience:

The applicant will be unable to develop the vacant lot and provide more housing. The property will remain vacant and underutilized.

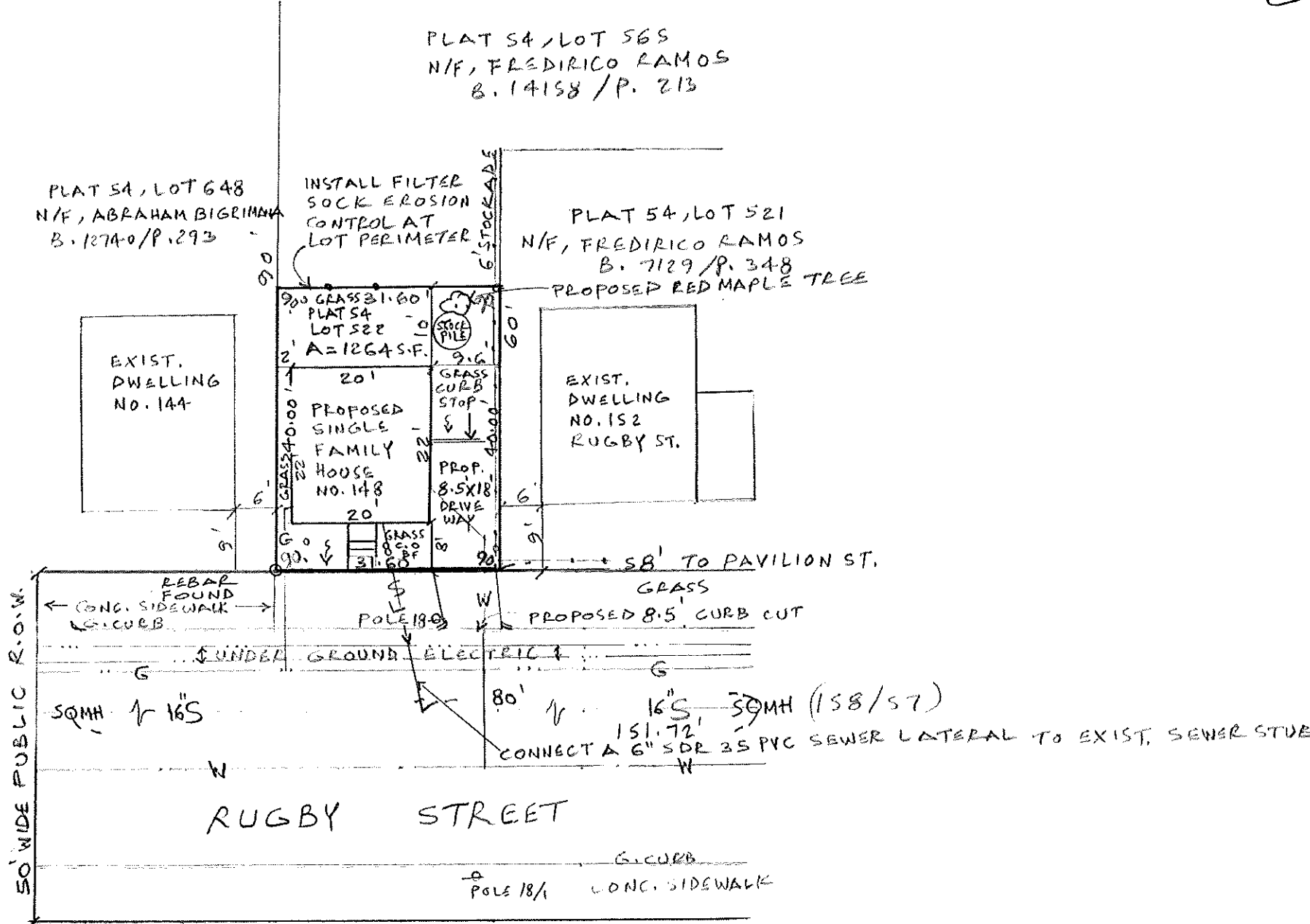
Without pervious surface or parking relief, the lot is not capable of supporting a single family home and would be rendered functionally valueless for any permitted use in an R3 zone.

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

N MAG. NORTH 2024



LOCUS MAP



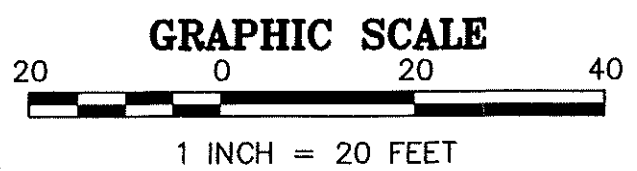
NOTES:

1. REFERENCE:-RECORD PLAT CARD NO. 585(B.18/P.16) SANITARY SEWER PLAN NO. 158/57 ST. LINE PLAN 47/14
2. ZONING: R3
 PROPOSED BUILDING COVERAGE = 34.8%
 PROPOSED IMPERVIOUS COVERAGE FRONT YARD = 30%
 PROPOSED IMPERVIOUS COVERAGE REAR YARD = 0%
 PROPOSED TREE COVERAGE = 79%
 TOTAL PROPOSED IMPERVIOUS SURFACE COVERAGE = 49.4%
3. PER 402.B THE AVERAGE FRONT YARD SETBACK WITHIN 100' OF LOT ON SAME SIDE OF THE STREET IS 10', PROPOSING 8'
4. SITE IS LOCATED IN ZONE X PER FIRM MAP NO. 44001003166 EFFECTIVE 3-2-2009
4. ALL ROOF STORMWATER RUNOFF SHALL BE CONTAINED AND TREATED ONSITE, NO CONNECTION TO SEWER OR STORMWATER LINE IS ALLOWED.
5. ALL CONSTRUCTION IN THE PUBLIC ROW MUST BE IN ACCORDANCE WITH THE CITY'S STANDARD DETAILS AVAILABLE AT [HTTPS://WWW.PROVIDENCERI.GOV/PUBLIC-WORKS/FORMS/ UNDER "REPORTS + PUBLICATIONS"](https://www.providenceri.gov/public-works/forms/under-reports-publications).
6. UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED, MUST CONTACT DIG-SAFE AT 1-888-DIG-SAFE BEFORE THE START OF CONSTRUCTION.
7. THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE STATE OF RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS NOVEMBER 25, 2015 AS FOLLOWS:
 COMPREHENSIVE BOUNDARY SURVEY- CLASS I

 THE PURPOSE FOR CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THIS PLAN IS AS FOLLOWS:
 BOUNDARY SURVEY & SITE PLAN

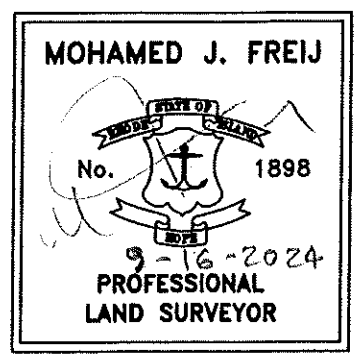
BY Mohamed J. Freij DATE 9.16.2024
 MOHAMED J. FREIJ RLS NO. 1898 C.O.A. NO. 000A263
 REGISTERED PROFESSIONAL LAND SURVEYOR

2003 - B ZONING SETBACKS CALCULATIONS:
 MIN. SIDEYARD SETBACK IS $1264/5000 \times 6' = 1.52'$, PROPOSING 2', FIREWALL IS REQUIRED.
 MIN. REARYARD SETBACK IS $1264/5000 \times 30' = 7.58'$, PROPOSING 10'

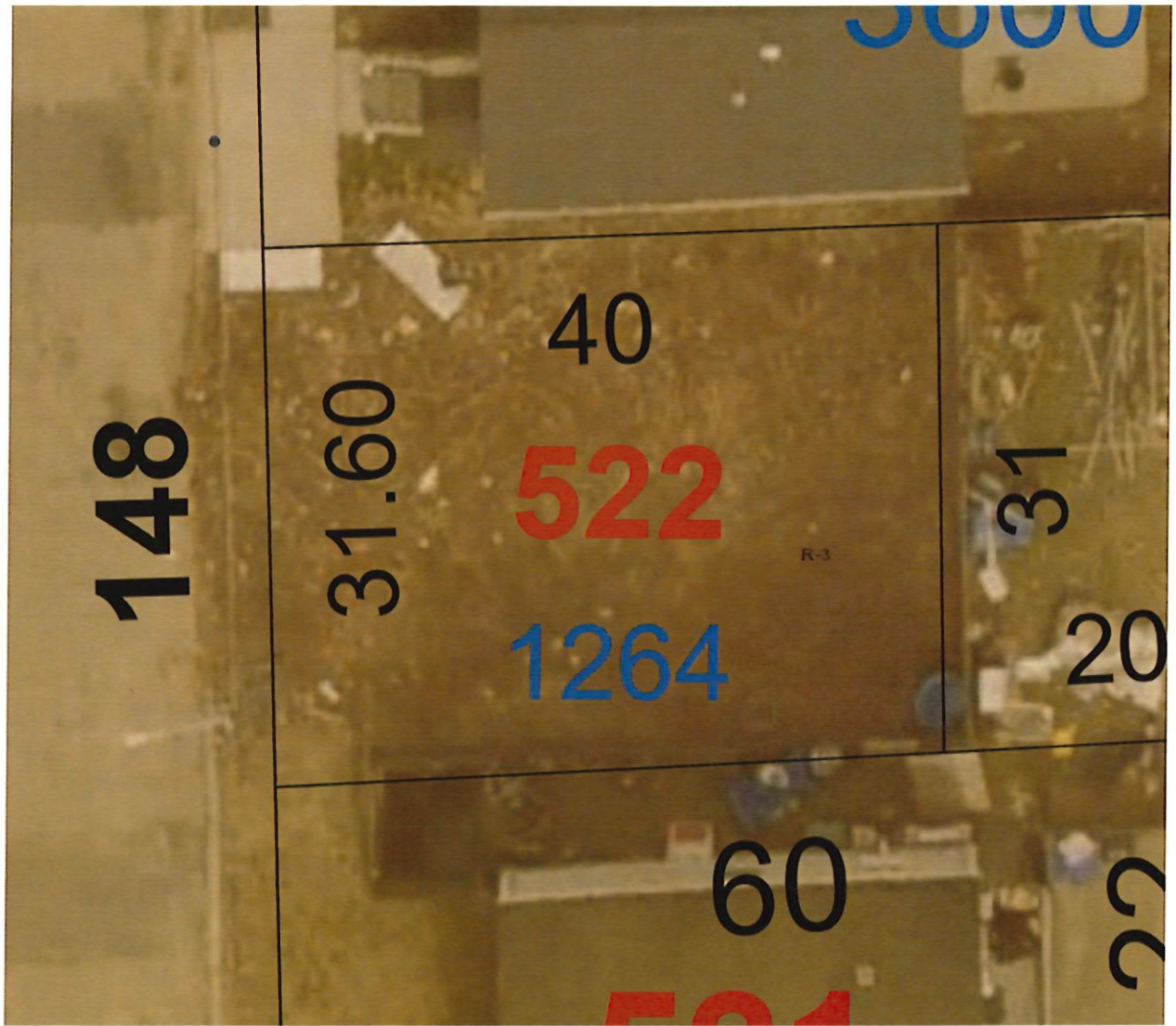


NOTES:

1. MINIMUM 5' OFFSET FROM SEWER CLEANOUT TO BUILDING FOUNDATION.
2. REBUILD WITH AN "ADA" COMPLIANT CONCRETE SIDEWALK ALONG LOT FRONTAGE.
3. MINIMUM 1000 S.F. PERVIOUS COVERAGE IS REQUIRED, PROPOSING 639 S.F.



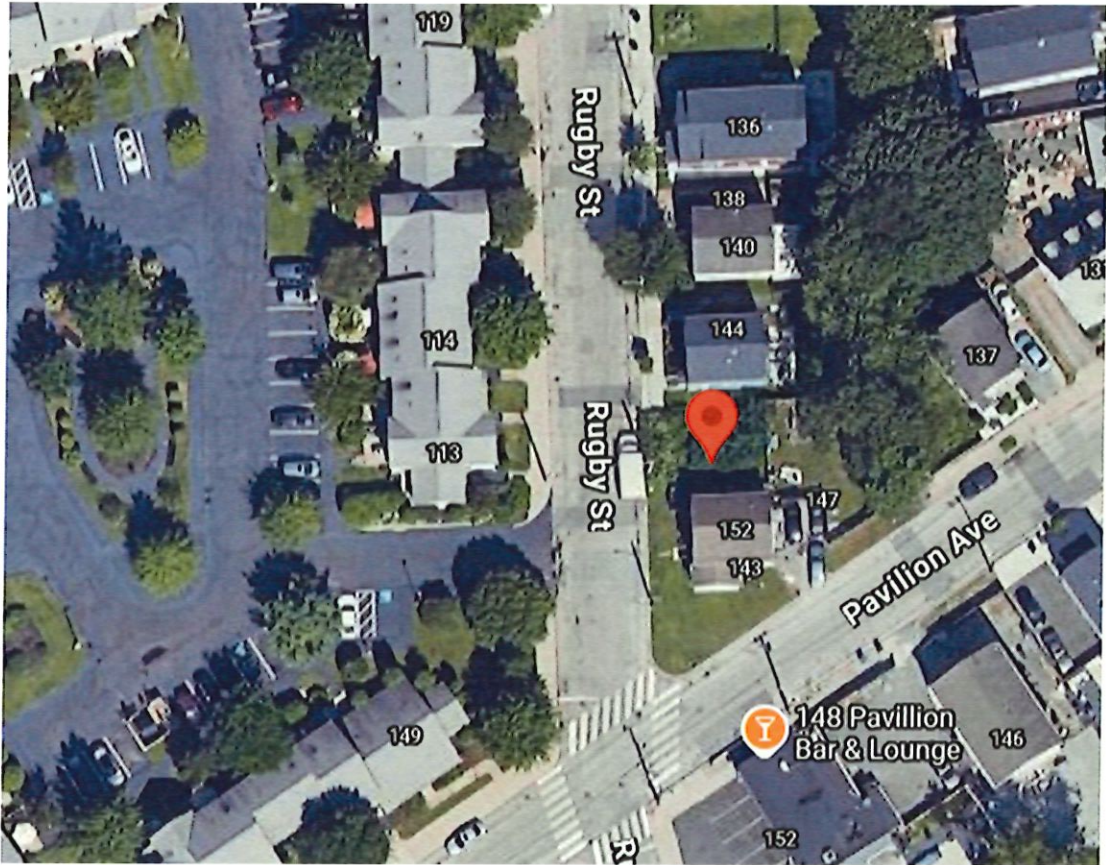
BOUNDARY SURVEY & SITE PLAN		PROJECT NO.
PLAT 54, LOT 522		SCALE 1" = 20'
148 RUGBY ST., PROVIDENCE, RI		DATE 9-16-24
OWNER: CHOSEN GENERATION LLC 401-696-7469 CHOSENGENHOMES@GMAIL.COM		DRAWN BY MJF
PREPARED BY		CHECKED BY MJF
MJF ENGINEERING ASSOCIATES 326 SOWAMS ROAD BARRINGTON, R.I. 02806 TEL. 401-241-5153 OR 401-247-2003 E-MAIL LANDSURVEYRI@AOL.COM		FILENAME 148 RUGBY
		1 of 1 SHTS



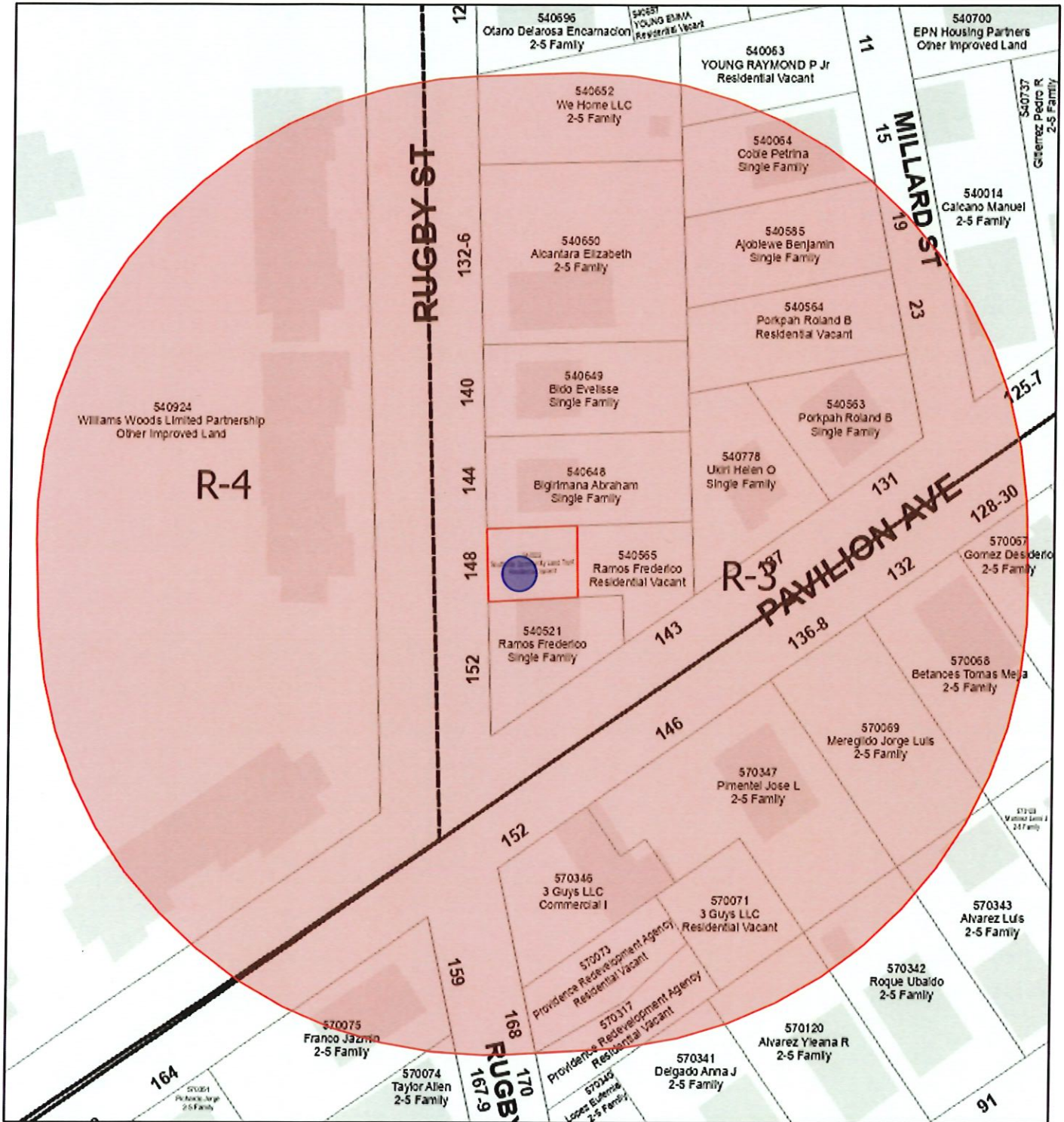
4 Photos of 148 Rugby Street



4 Photos of 148 Rugby Street



Radius Map



10/28/2024, 1:33:12 PM

1:995

