

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

INSPECTION & STANDARDS
RECEIVED

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

APR 10 2024

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: Sithiphone Inthavong Applicant Mailing Address
Email: lalaintha@icloud.com Street: 17 Lubec Street
Phone: 401-527-0252 City, State, Zip: Providence, RI 02904

Owner: Sithiphone Inthavong Owner Mailing Address
Email: lalaintha@icloud.com Street: 17 Lubec Street
Phone: 401-527-0252 City, State, Zip: Providence, RI 02904

Lessee: N/A Lessee Mailing Address
Email: _____ Street: _____
Phone: _____ City, State, Zip: _____

Attorney: N/A Attorney Mailing Address
Email: _____ Street: _____
Phone: _____ City, State, Zip: _____

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: 17 Lubec Street, Providence, RI
Plat and Lot Numbers of Subject Property: Plat 079 Lot 638

2. Base Zoning District(s): R2

Overlay District(s): _____

3a. Date owner purchased the Property: February 2, 1998

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

4. Dimensions of each lot:

Lot# <u>638</u>	Width <u>84</u>	Depth <u>60</u>	Total area <u>5040</u> 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 <u>1080</u>	Area of Footprint <u>368</u>
Overall Height <u>18</u>	Overall Height <u>1'-3"</u>
# of Stories <u>1</u>	# of Stories <u>1</u>

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

<u>Principal Structure:</u>	<u>Accessory Structure:</u>
Area of Footprint _____	Area of Footprint <u>368</u>
Overall Height _____	Overall Height <u>14'</u>
# of Stories _____	# of Stories <u>1</u>

6a. Existing Lot Coverage:

Building Coverage (area of all roofed structures) 1080

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 0

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) 0

6b. Proposed Lot Coverage:

Building Coverage (area of all roofed structures) 1468

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 368

Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) 368

Front Yard Impervious Coverage (area of structures and impervious surface in front yard) 0

7a. Present Zoning Use of the Property: R2

7b. Legal Zoning Use of the Property as recorded in the Dept. of Inspection & Standards:
R2

8. Proposed Zoning Use of the Property: R2

9. Number of Parking Spaces:

of existing spaces ~~4~~ 4 # of proposed spaces 4

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

x Zoning Ordinance _____ 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>
402	3' Setback where 30 is required (Covering Existin Deck)

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>

12. Summarize any changes proposed for the Property (use, construction/renovation, site alteration):
A hard roof was built over the existing deck on the property without permit. A stop order was issued. We are requesting to keep the current structure with no walls in order to cover our deck, which is a free-standing structure that was already covering the square footage in the back yard.

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):

Sithiphone Inthavong

Type Name

Sithiphone Inthavong

Signature

Sithiphone Inthavong

Type Name

Signature

Applicant(s):

Sithiphone Inthavong

Type Name

Sithiphone Inthavong

Signature

Sithiphone Inthavong

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?

Applicant is requesting to keep hard roof built over existing free-standing deck.

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

 The hardship was caused by the applicant, but under the impression that the deck already covered the area

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: _Applicant built the roof over their deck without a permit in January of 2024._

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:

Aside from the amount of money already spent on materials and labor, the applicant will have to tear down the already built deck roof which is over a deck that already existed, but could not be built now because setbacks run almost all the way to the back wall of the house

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

APPENDIX B

APPLICATION FOR SPECIAL USE PERMIT

In accordance with Rhode Island General Laws § 45-24-42(b), Section 1901 of the Zoning Ordinance requires that the Applicant for a special use permit demonstrate:

1. That the proposed special use is set forth in the ordinance and complies with the applicable use standards for the authorization of a special use permit;
2. That the proposed special use will not substantially injure the use and enjoyment of nor significantly devalue neighboring property; and
3. That the proposed special use will not be detrimental or injurious to the general health or welfare of the community.

Please provide the following information:

1. Indicate the Ordinance section(s) which provide Use Standards for the proposed Special Use(s); and State all facts that demonstrate that the proposed special use will be in conformance with the Use Standards for the proposed Special Use(s):

__Unknown: This is a roof over an already existing deck._____

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property and will not significantly devalue neighboring property:

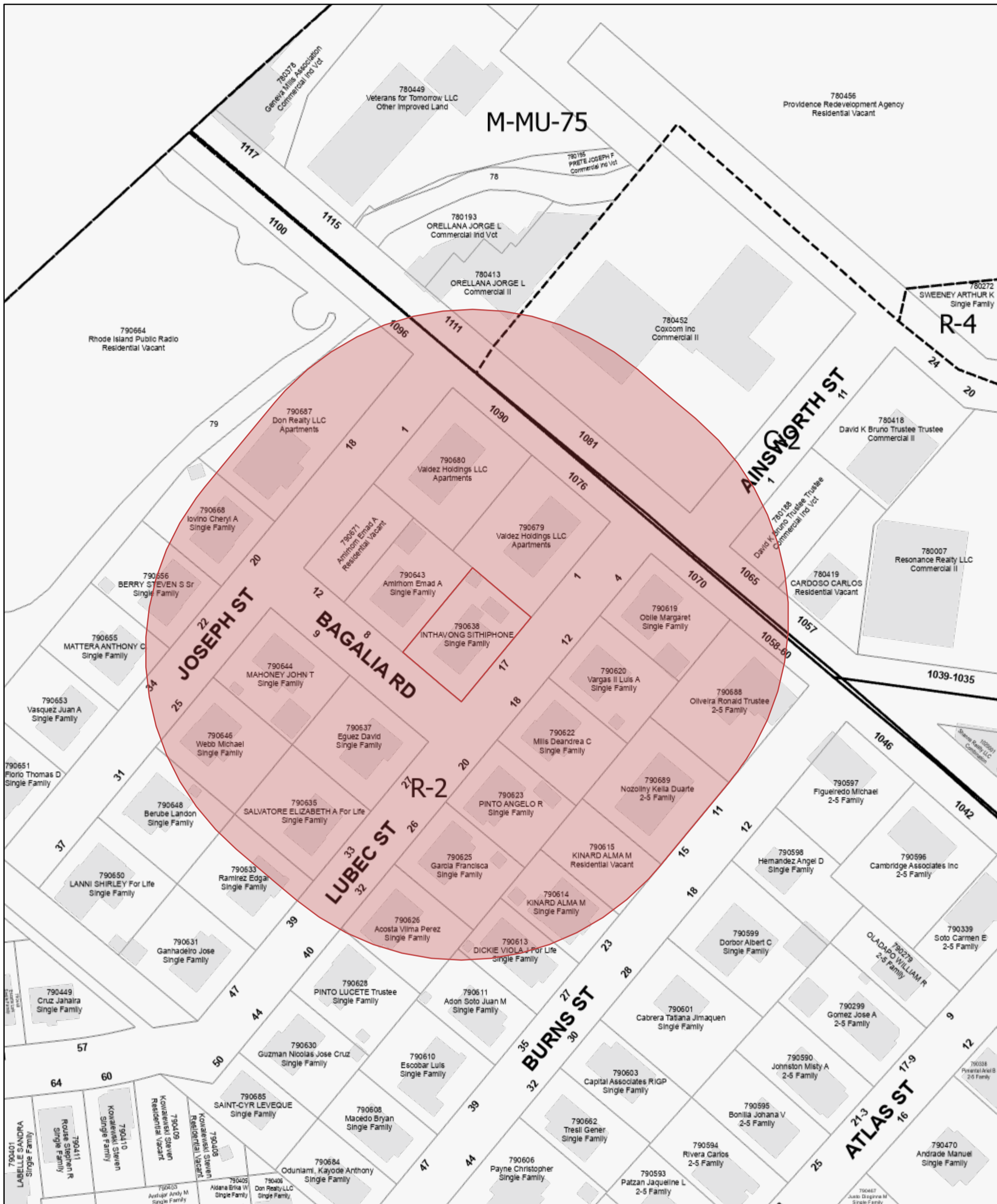
_The deck is located in the resident's back yard which is fenced off by a 6' privacy fence. There is no blocking of views from neighboring properties or safety issues the roof could cause. The roof also pitches to the sides of the property, so rain water will stay on the propoerty and not fall on neighboring land.___

3. State all facts that demonstrate that the proposed special use will not be detrimental or injurious to the health or welfare of the community:





__Aside from the facts typed in question #2, the deck will also have stairs to from grade to level._____

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

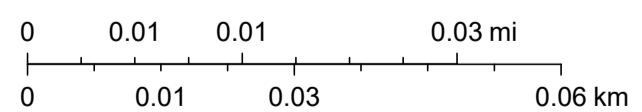
200ft Radius Map - 17 Lubec Street



3/26/2024, 4:32:35 PM

-  Plat Boundaries
-  Zoning
-  Parcels
-  Buildings

1:1,140



Esri Community Maps Contributors, University of Rhode Island, City of Providence, MassGIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS











