

Brett P. Smiley
Mayor

Marc A. Greenfield
Chair



Zoning Board of Review

RESOLUTION NO. 2024-01

February 16, 2024

IN RE: Application for Special Use Permit
(Neighborhood Commercial Establishment)

PROPERTY: Tax Assessor's Plat 37, Lot 207
5 Marvin Street (R-3 Residential Zoning District)

OWNER: Shawn Gilheaney
5 Marvin Street
Providence, RI 02909

FILED
 2024 FEB 20 P 1:23
 DEPT. OF CITY CLERK
 PROVIDENCE, R.I.

On February 14, 2024, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing on the request by the Owner and Applicant (together the "Applicant") for a special use permit at the above-designated Property. The following members of the Board were present throughout the hearing: Chair Greenfield, Ms. Maniotes, Ms. Rodriguez, Mr. Holt, and Mr. Ryan. Mr. Mitchell and Mr. Scott sat as non-voting alternates.

WHEREAS, the Applicant sought a special use permit pursuant to Section 1201, Table 12-1, and Section 1202.T. of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance") in order to establish a Neighborhood Commercial Establishment (Arts Studio) in a building formerly occupied by an auto body shop; and

WHEREAS, prior to the hearing, the members of the Board individually made inspections of the Property and of the surrounding neighborhood; and

WHEREAS, Shawn Gilheaney, the Applicant, and his architect, Haley Hardwick-Whitman presented the application and provided testimony; and

WHEREAS, there was no oral comment on the matter and the Board received three comments via email in support of the application; and

WHEREAS, the Board received, and the Chair read into the record, the February 15, 2024 recommendation of the Department of Planning and Development (“DPD”) recommending the granting of the special use permit.

NOW, THEREFORE, after consideration of the Application, the testimony, and all the evidence of record, upon motion by Mr. Holt, seconded by Mr. Ryan, the Board voted unanimously (5-0) to APPROVE the Application for special use permit.

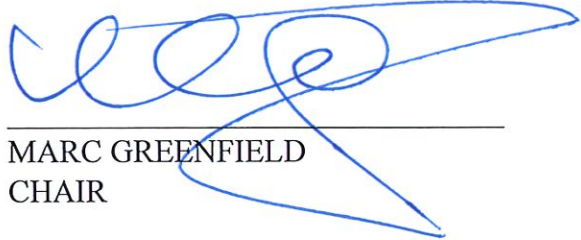
**THE BOARD HEREBY MAKES THE FOLLOWING
FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The Property is located in an R-3 Residential District and consists of a lot of approximately 7,057 square feet. The existing structure has a footprint of 1,193 square feet and has a legal nonconforming zoning use as an autobody shop.
2. The Applicant proposes to establish the use of the existing single-story structure as a Neighborhood Commercial Establishment (Arts Studio) to use for his sign painting business and making of fine art. The Applicant will be pursuing the required permits to add a second and third story for use as a single dwelling unit on the Property. This residential component of the project is permitted by right pursuant to Section 1201 and Table 12-1 of the Ordinance and is not subject to the application for special use permit.
3. The Board has read and agrees with the report and recommendation of the DPD, which is incorporated herein by reference.
4. The Board finds that the Application, together with the testimony of the Applicant, established that the lot will be occupied in conformance with the requirements of Ordinance Section 1202.T. In particular, the existing structure is non-residential in its construction and/or use as of the effective date of the Ordinance; an Arts Studio is one of the six permissible Neighborhood Commercial Establishments; the current off-street parking shall be maintained; the use will not entail drive-through facilities or outdoor storage or display; and the signs in the architectural plans submitted conform to the requirements of the C-1 District.
5. The Board finds that granting the proposed special use permit will not substantially injure the use and enjoyment of, nor significantly devalue, neighboring property. The proposed use will be less intensive than that of the previous autobody shop and will be in harmony with the surrounding neighborhood and community. The Applicant intends to work and reside at the Property, and the Board finds that residential occupancy and investment will inure to the benefit of the neighborhood and community.
6. For the same reasons set forth in paragraphs 3 through 5 above, the Board finds that granting the proposed special use permit will not be detrimental or injurious to the general health or welfare of the community.

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WHEREFORE, upon motion by Mr. Holt, seconded by Mr. Ryan, the Board voted unanimously (5-0) to APPROVE the application for special use permit for a Neighborhood Commercial Establishment (Arts Studio).

By Order of the Zoning Board of Review.



MARC GREENFIELD
CHAIR

NOTICE TO OWNERS/APPLICANTS:

- A SECTION 1901/1902 OF THE ORDINANCE REQUIRES THAT ANY VARIANCE OR SPECIAL USE PERMIT GRANTED BY THE BOARD SHALL EXPIRE SIX MONTHS AFTER THE DATE OF THE FILING OF THE RESOLUTION IN THE OFFICE OF THE BOARD UNLESS THE APPLICANT SHALL, WITHIN THE SIX MONTHS, OBTAIN A LEGAL, COMPLETE BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; IF NO CONSTRUCTION IS REQUIRED, THE APPLICANT SHALL OBTAIN A LEGAL BUILDING PERMIT FOR THE USE, OR A CERTIFICATE OF OCCUPANCY. DEMOLITION AND FOUNDATION PERMITS ARE NOT BUILDING PERMITS FOR PURPOSES OF THIS REQUIREMENT. NO PERMIT OR CERTIFICATE OF OCCUPANCY WILL ISSUE UNTIL THE OWNER AND/OR ITS REPRESENTATIVE COMPLIES WITH PARAGRAPH B BELOW.
- B. THE ORIGINAL RESOLUTION IS ON FILE IN THE OFFICE OF THE ZONING BOARD OF REVIEW. THE OWNER OR THEIR REPRESENTATIVE MUST OBTAIN THE ORIGINAL RESOLUTION FROM SAID OFFICE, RECORD THE RESOLUTION IN THE CITY'S LAND EVIDENCE RECORDS, AND PROVIDE COPIES OF THE RECORDED RESOLUTION TO BOTH THE OFFICE OF THE ZONING BOARD OF REVIEW AND THE DEPARTMENT OF INSPECTION AND STANDARDS.

MOTION TO APPROVE THE SPECIAL USE PERMIT

MADE BY:	Holt
SECONDED BY:	Ryan
MEMBERS VOTING IN FAVOR:	Holt, Ryan, Rodriguez, Maniotes, Greenfield
MEMBERS VOTING AGAINST:	None
MEMBERS RECUSED:	None

RECEIVED:
Providence
Received for Record
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Jeanne Pascone
Recorder of Deeds