

Brett P. Smiley
Mayor

FILED

Marc A. Greenfield
Chair



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PROVIDENCE, R.I.

Zoning Board of Review

RESOLUTION NO. 2024-24

November 21, 2024

IN RE: Application for Dimensional Variances
(Table 5-1, required rear and side setbacks)

PROPERTY: Tax Assessor's Plat 17, Lot 553
134 Ives Street (C-1 Neighborhood Commercial District)

OWNER/
APPLICANT: No Small Feat, LLC/Alexa Trembly
134 Ives Street
Providence, RI 02906

On October 30, 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 dimensional variances at the above-designated Property (the "Property"). The following members of the Board were present throughout the hearing: Chair Greenfield, Ms. Rodriguez, Mr. Holt, Mr. Ryan, and Mr. Scott.

WHEREAS, the Applicant sought dimensional variances for relief from the required rear and side setbacks pursuant to Table 5-1 of the City of Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance"); and

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

WHEREAS, Melissa Horne, Esq. presented the application and the testimony of Alexa Trembly, the Applicant; and

WHEREAS, there was no oral or written comment on the matter; and

WHEREAS, the Board received, and the Chair read into the record, the October 9, 2024 recommendation of the Department of Planning and Development ("DPD") recommending the granting of the dimensional variances.

NOW, THEREFORE, after consideration of the application, the testimony, and all other evidence of record, upon motion by Mr. Holt, seconded by Mr. Ryan, the Board voted unanimously (5-0) to APPROVE the application for the dimensional variances.

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

1. The Property is located in a C-1 Neighborhood Commercial District and consists of a lot of approximately 2,589 square feet. The lot is improved with an approximately 788 square foot principal structure that is used as a Restaurant/Bar, and an approximately 400 square foot accessory garage structure that has zero setbacks from the rear and side lot lines, which conforms to the Ordinance for an accessory structure.
2. The Applicant proposes to establish a bookstore (retail) as a second principal use on the property in the existing garage structure. Based on the existing location of the garage, the Applicant is requesting relief from the required rear and side setbacks for a principal structure in a C-1 zone, where the property abuts a residential zone.
3. The Board finds that the relief sought is due to the unique characteristics of the subject Property. More specifically, the structure is original to the site, the proposed use is conforming in the zoning district, and the proposal will not alter or increase the degree of the existing setbacks.
4. There was no evidence presented or elicited that the relief sought is due to a physical or economic disability of the Applicant; nor is it the result of any prior action of the Applicant.
5. The Board agrees with, and incorporates, the findings and the recommendation of the DPD, and likewise the Board finds that granting the requested dimensional variances will not alter the general character of the surrounding area nor impair the intent or purpose of the Ordinance or the Comprehensive Plan.
6. The Board concludes that the hardship suffered by the Applicant if the dimensional variance is not granted will amount to more than a mere inconvenience and the relief sought is minimal to a reasonable enjoyment of the permitted use, especially considering that the proposal is making use of and improving an existing structure.

WHEREFORE, upon motion by Mr. Holt, seconded by Mr. Ryan, the Board voted unanimously (5-0) to APPROVE the application for dimensional variances for relief for the existing accessory structure from required rear and side setbacks.

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 DIMENSIONAL VARIANCES

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

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Recorder of Deeds