

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

INSPECTION & STANDARDS
RECEIVED

AUG 13 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: Amar Singh Applicant Mailing Address
Email: alife2love@gmail.com Street: 585 Elmgrove Ave
Phone: 401-641-2600 City, State, Zip: Providence, RI 02906

Owner: Amar Singh Owner Mailing Address
Email: alife2love@gmail.com Street: 585 Elmgrove Ave
Phone: 401-641-2600 City, State, Zip: Providence, RI 02906

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

Attorney: Dan Carter Attorney Mailing Address
Email: dcarterlaw@gmail.com Street: 222 Jefferson Blvd
Phone: 401-732-6863 City, State, Zip: Warwick, RI 02888

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: 294 Butler Ave
Plat and Lot Numbers of Subject Property: Plat 39 Lot 241

2. Base Zoning District(s): R-1
Overlay District(s): _____

3a. Date owner purchased the Property: 1/7/2022

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

4. Dimensions of each lot:

Lot # <u>241</u>	Width <u>67'</u>	Depth <u>310'(+/-)</u>	Total area <u>19,293</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>1708 SF</u>	Area of Footprint <u>1800 SF</u>
Overall Height <u>35'</u>	Overall Height <u>12'</u>
# of Stories <u>3</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 _____
Overall Height _____	Overall Height _____
# of Stories _____	# of Stories _____

6a. Existing Lot Coverage:

Building Coverage (area of all roofed structures) 3508 SF (18.2%)

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 9,517 SF (49.3%)

Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) 7,545 SF (50%)

Front Yard Impervious Coverage (area of structures and impervious surface in front yard) 320 SF (19.2%)

6b. Proposed Lot Coverage:

Building Coverage (area of all roofed structures) 3508 SF (18.2%)

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 9,517 SF (49.3%)

Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) 7,545 SF (50%)

Front Yard Impervious Coverage (area of structures and impervious surface in front yard) 320 SF (19.2%)

7a. Present Zoning Use of the Property: 3 Family

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

8. Proposed Zoning Use of the Property: 3 Family

9. Number of Parking Spaces:
of existing spaces 17 # of proposed spaces 17

10. Are there outstanding violations concerning the Property under any of the following:
____ Zoning Ordinance ____ RI State Building or Property Maintenance Code(s)

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?**
Recording the existing 3 family dwelling in the R-1 zone.

2. **Specify all unique characteristics of the land or structure that cause the hardship:**
Due to the previous owner's failure to enact resolution 8924 from the Zoning Board of Review, the property remains recorded as a 2 Family dwelling.

3. (a) Is the hardship caused by an economic disability? Yes _____ No X
- (b) Is the hardship caused by a physical disability? Yes _____ No X
- (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 X

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

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:

If denied, the resulting use as a single or a 2 family dwelling would not provide a beneficial use. On the contrary, approving the requested change would be beneficial as it would produce a favorable result and be advantageous to the property owner and the city. Due to the shortage in housing and the ever increasing demand, a viable dwelling unit would be preserved and the owner would not be burdened with dismantling an existing habitable dwelling space.

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:
-

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

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>
1201	T 12-1 Dwelling - Multi-Family - R1
_____	_____
_____	_____
_____	_____

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):

There are no changes proposed. Prior to and since Zoning Board of Review Resolution 8924 was granted on February 28, 2005, the building has continuously been used as a 3 Family dwelling. The owner/applicant at the time of the request for the special use permit in 2005 did not secure or enact the resolution of the grant by obtaining a building permit and a certificate of occupancy as no construction was required.


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):

Amar Singh

Type Name



Signature

Type Name

Signature

Applicant(s):

Amar Singh

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.

Sandra L. Carlson
Chairman



David N. Cicilline
Mayor

Zoning Board of Review

February 28, 2005

RESOLUTION NO. 8923

Broadway-Tobey, LLC
76 Dorrance Street, Suite 300
Providence, RI 02903

Ladies and Gentlemen:

At a meeting of the Zoning Board of Review held on Tuesday, December 7, 2004, the following Resolution was adopted:

WHEREAS, Broadway-Tobey, LLC, owner/appellant, Lot 241 on Assessor's Plat 39 in a Residential R-1 District; filed an appeal from the decision of the Director of the Department of Inspection and Standards. The Appellant contends that the subject property has legal standing as a three-family dwelling. The Director contends that the existing structure legally exists as a two-family dwelling.

WHEREAS, the members of the Zoning Board of Review made an inspection of the above-described premises and also of the surrounding properties in the neighborhood; and

WHEREAS, on Tuesday, December 7, 2004, a public hearing was held on this application by the Zoning Board of Review after public notice as set forth by the Zoning Ordinance.

RESOLVED: Based upon the evidence and testimony presented at the hearing, the Zoning Board of Review does hereby **UPHOLD** the decision of the Director of the Department of Inspection and Standards.

By Order of the Zoning Board of Review.


SANDRA L. CARLSON, CHAIRMAN

SLC:bat

MEMBERS VOTING TO UPHOLD THE DIRECTOR'S DECISION: CARLSON, CATAURO,
STROTHER, WOLF & VARIN



Zoning Board of Review

February 28, 2005

RESOLUTION NO. 8924

Broadway-Tobey, LLC
76 Dorrance Street, Ste. 300
Providence, RI 02903

Ladies and Gentlemen:

At a meeting of the Zoning Board of Review held on Tuesday, December 7, 2004, the following Resolution was adopted:

WHEREAS, Broadway-Tobey, LLC, owner of Lot 241 on Assessor's Plat 39 (294 Butler Avenue) in a Residential R-1 Zone. The applicant requested a special use permit pursuant to Section 419.4 which authorizes two or more dwelling units in a Residential R-1 zone if the total number of dwelling units do not exceed one dwelling unit for every 5,000 square feet of land area. The lot in question contains approximately 19,293-sq. ft. of land area; and

WHEREAS, the members of the Zoning Board of Review made an inspection of the above-described premises and also of the surrounding properties in the neighborhood; and

WHEREAS, on Tuesday, December 7, 2004, a public hearing was held on this application by the Zoning Board of Review after public notice as set forth by the Zoning Ordinance.

NOW, THEREFORE, after consideration of the application, the testimony of the witnesses and of the entire record presented to the Board, including the inspection of the area made by the Board, and after carefully considering such information, the Board makes the following findings of fact:

1. The Board has considered the written opinion submitted by the Department of Planning and Development prior to making its decision
2. The requested special use permit is specifically set forth at Section 419.4 of the Zoning Ordinance.
3. The testimony that was submitted by the applicant has shown that the granting of the special use permit will not substantially injure the use and enjoyment of nor significantly devalue neighboring property.
4. The applicant has clearly shown that the granting of the special use permit will not be detrimental or injurious to the general health or welfare of the community.

RESOLVED: Based upon the evidence presented at the hearing, the Zoning Board of Review does hereby grant a special use permit pursuant to Section 419.4 of the Zoning Ordinance and does hereby allow this existing structure to be used as a three-family dwelling. A copy of said plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.

By Order of the Zoning Board of Review.

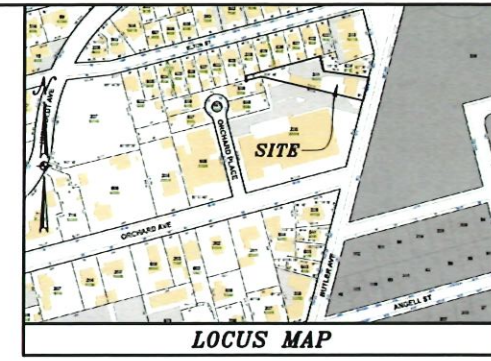
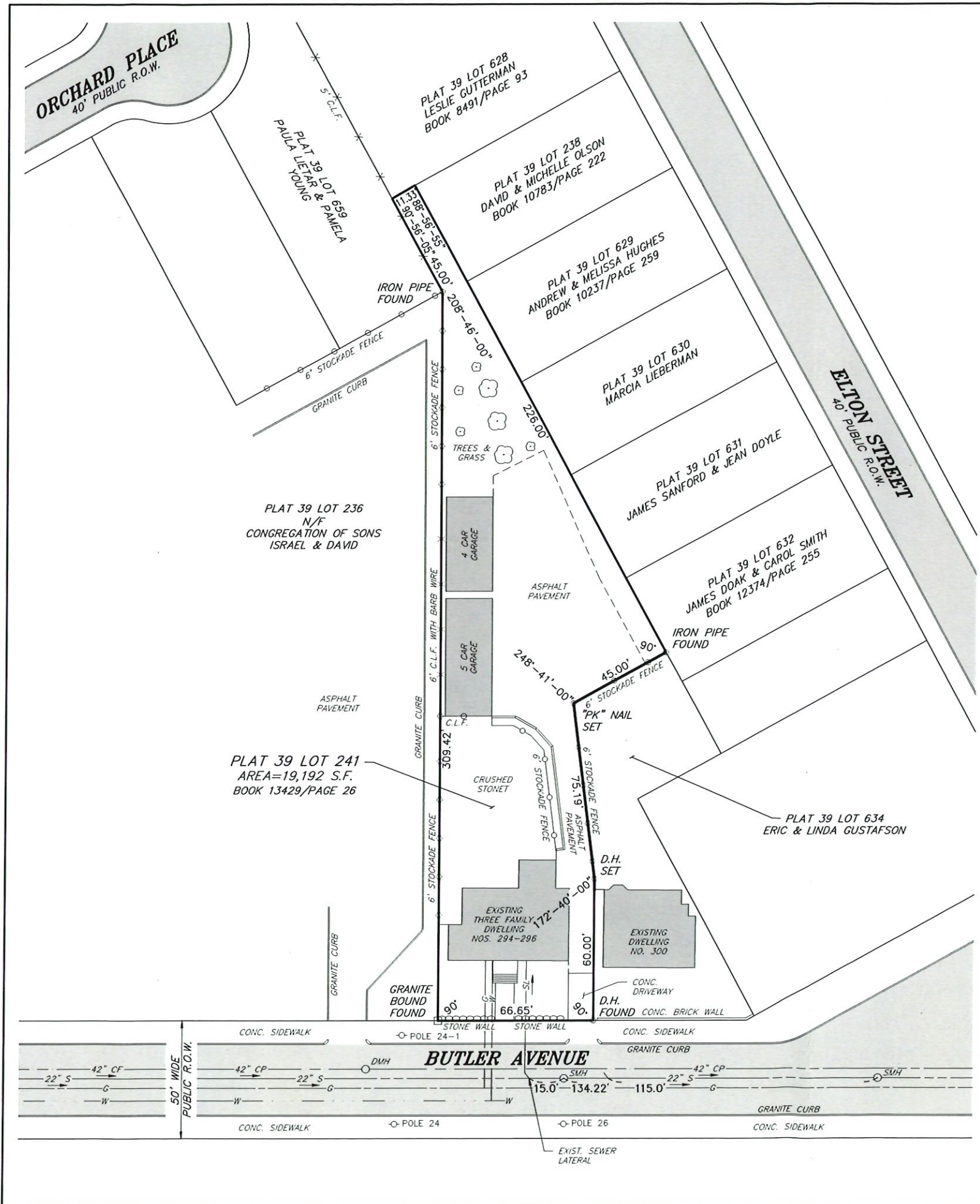

SANDRA L. CARLSON, CHAIRMAN

SLC:bat

ATTENTION: SECTION 906 UNDER THE ZONING 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 BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; OR OBTAIN A LEGAL BUILDING PERMIT AND A CERTIFICATE OF OCCUPANCY WHEN NO CONSTRUCTION IS REQUIRED.

MEMBERS VOTING TO APPROVE A SPECIAL USE PERMIT: CARLSON, CATAURO,
STROTHER, WOLF & VARIN

NOTE: THE ORIGINAL RESOLUTION MUST BE RECORDED IN THE LAND EVIDENCE
RECORDS OF THE CITY OF PROVIDENCE BEFORE THE ISSUANCE OF A BUILDING
PERMIT

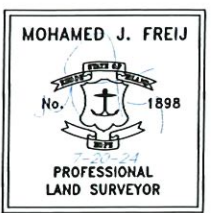


NOTES:

1. REFERENCE: RECORD PLAT CARD 640 PLAT BOOK 19/PAGE 17 SANITARY SEWER PLAN 161/73.
 2. ZONING: R1
 EXISTING BUILDING COVERAGE = 18.2%
 EXISTING TREE COVERAGE = 100%
 EXISTING IMPERVIOUS SURFACE COVERAGE = 33%
 TOTAL EXISTING IMPERVIOUS COVERAGE = 51.2%
 3. SITE IS LOCATED IN ZONE "X" PER FIRM MAP NO. 44007C0317J EFFECTIVE 9-18-13.
 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/](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

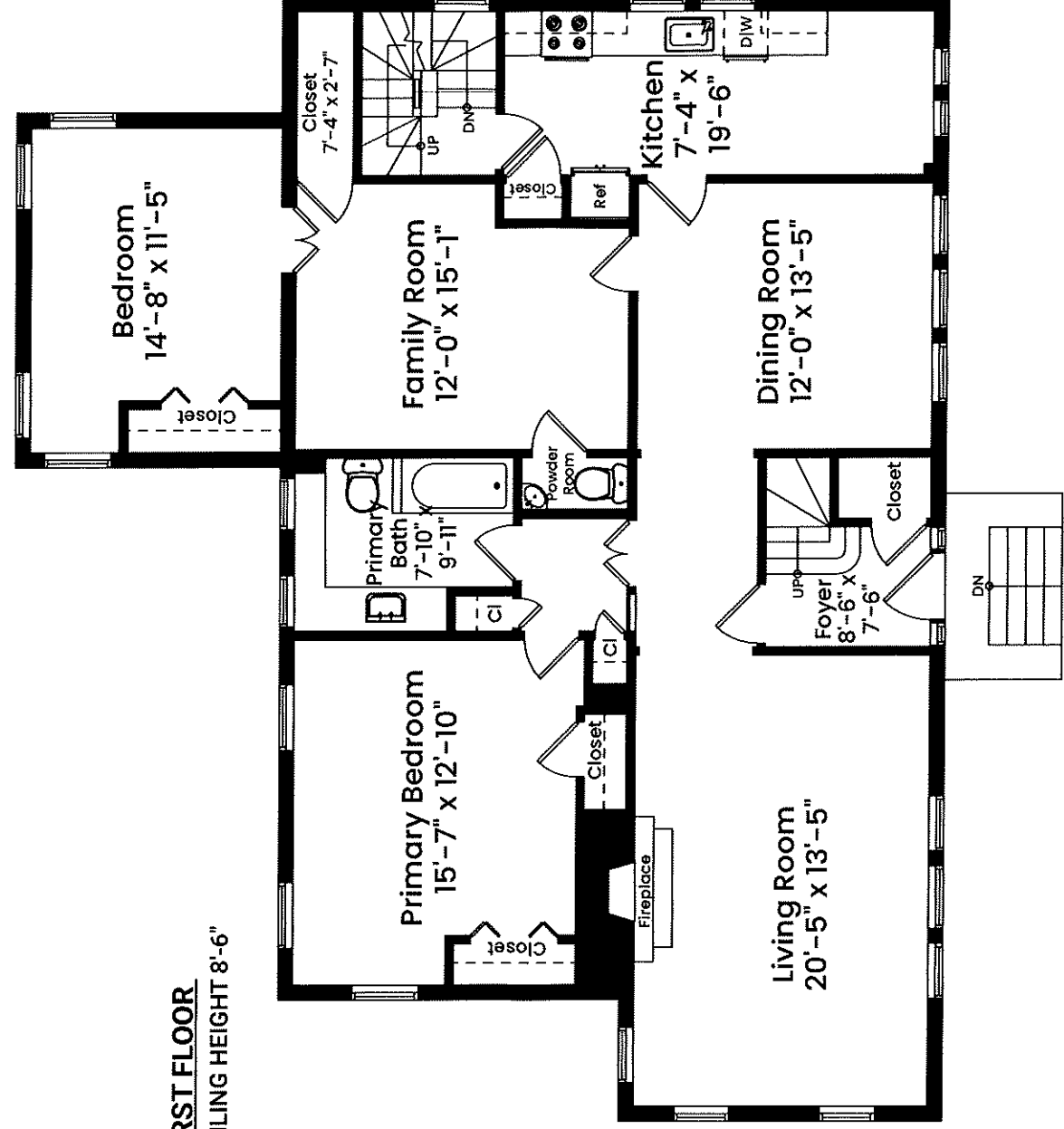
BY Mohamed J. Freij DATE 7-20-24
 MOHAMED J. FREIJ PLS NO. 1898 C.O.A. NO. A263
 REGISTERED PROFESSIONAL LAND SURVEYOR

BOUNDARY SURVEY & SITE PLAN		PROJECT NO.
PLAT 39 LOT 241		SCALE 1" = 30'
294-296 BUTLER AVENUE PROVIDENCE, RI 02909		DATE JULY 20, 2024
OWNER: AMAR D. SINGH		DRAWN BY RMM
294 BUTLER AVENUE PROVIDENCE, R.I. 02909		CHECKED BY MJF
401-641-2600		FILENAME BUTLER AVENUE RI.DWG
PREPARED BY MJF ENGINEERING ASSOCIATES		
326 SOWAMS ROAD BARRINGTON, R.I. 02806		
TEL. 401-241-5153 OR 401-247-2003		
E-MAIL LANDSURVEYRI@AOL.COM		
		1 of 1 SHTS



294 Butler Avenue | Providence, RI 02906

FIRST FLOOR
CEILING HEIGHT 8'-6"



AREA CALCULATIONS	
First Floor	1,645 SF
Second Floor	1,645 SF
Third Floor	836 SF
Total Gross Living Area	4,126 SF
Lower Level	1,452 SF
Third Floor Area Below 5'	98 SF
Total Area	5,676 SF

Architecturally drafted in July 2024 by:
National Floor Plans (800) 328-0217
Associate Member | American Institute of Architects
Contact www.nationalfloorplans.com for .dwg AutoCAD files
or square footage questions about this property.

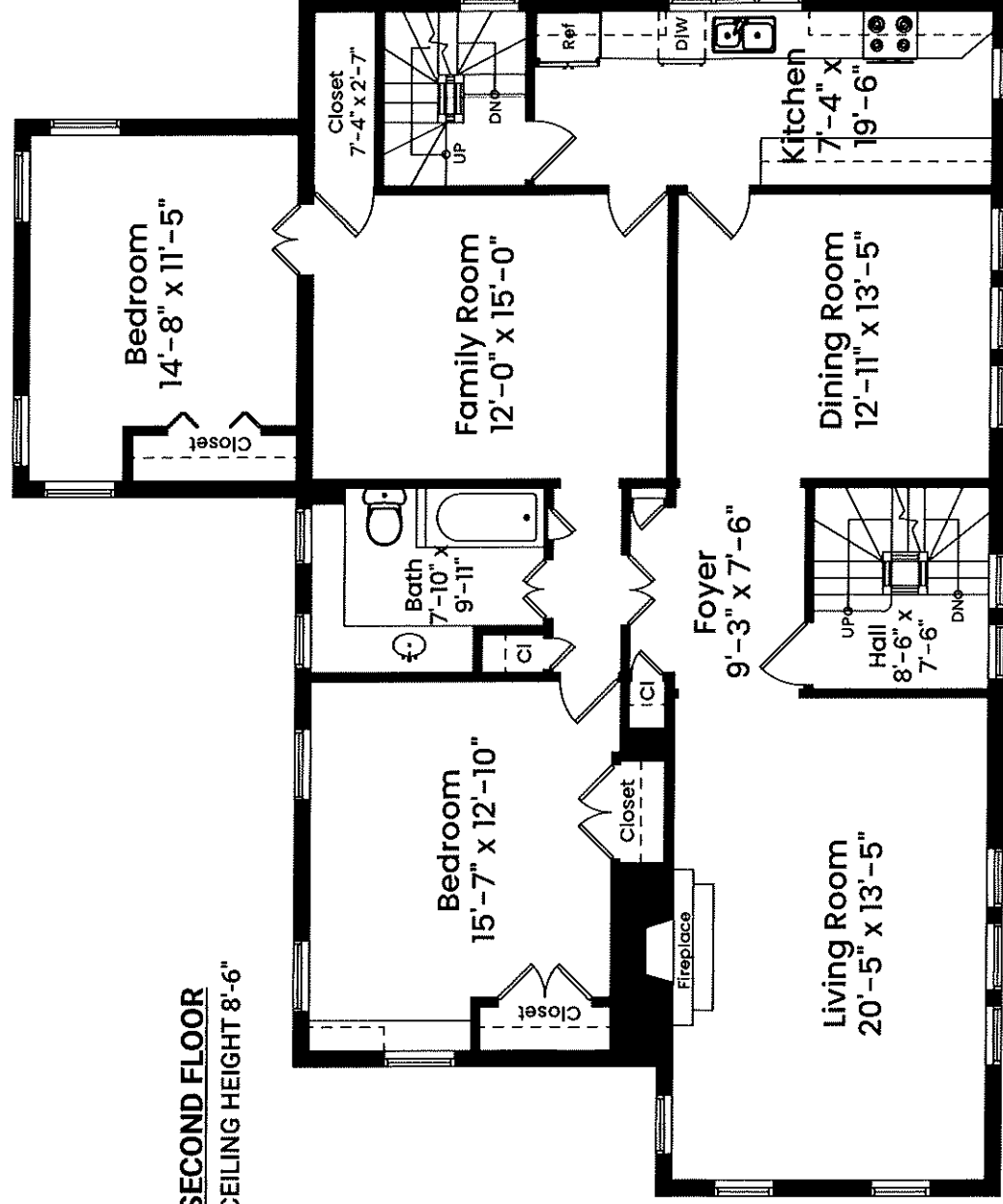


1 1 2 4 8
Graphic Scale

Dimensions are not guaranteed and are provided for informational purposes only.
Individual room dimensions are not used to calculate overall square footage.
National Floor Plans follows ANSI guidelines for calculating square footage.

294 Butler Avenue | Providence, RI 02906

SECOND FLOOR
CEILING HEIGHT 8'-6"



AREA CALCULATIONS	
First Floor	1,645 SF
Second Floor	1,645 SF
Third Floor	836 SF
Total Gross Living Area	4,126 SF
Lower Level	1,452 SF
Third Floor Area Below 5'	98 SF
Total Area	5,676 SF

Architecturally drafted in July 2024 by:
National Floor Plans (800) 328-0217
Associate Member | American Institute of Architects
Contact www.nationalfloorplans.com for .dwg AutoCAD files
or square footage questions about this property.

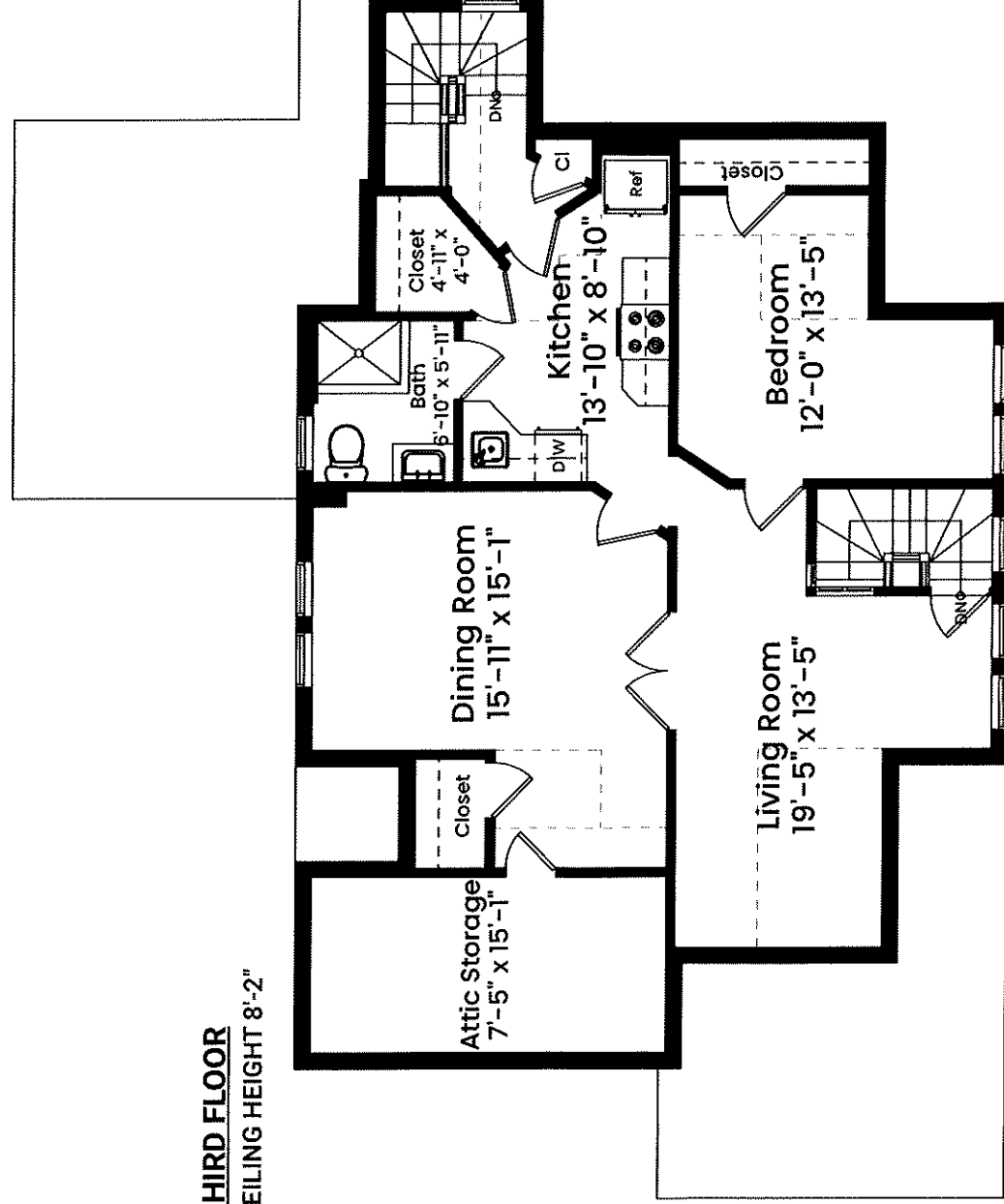


1 1 2 4 8
Graphic Scale

Dimensions are not guaranteed and are provided for informational purposes only.
Individual room dimensions are not used to calculate overall square footage.
National Floor Plans follows ANSI guidelines for calculating square footage.

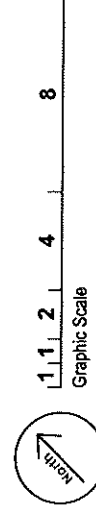
294 Butler Avenue | Providence, RI 02906

THIRD FLOOR CEILING HEIGHT 8'-2"



AREA CALCULATIONS	
First Floor	1,645 SF
Second Floor	1,645 SF
Third Floor	836 SF
Total Gross Living Area	4,126 SF
Lower Level	1,452 SF
Third Floor Area Below 5'	98 SF
Total Area	5,676 SF

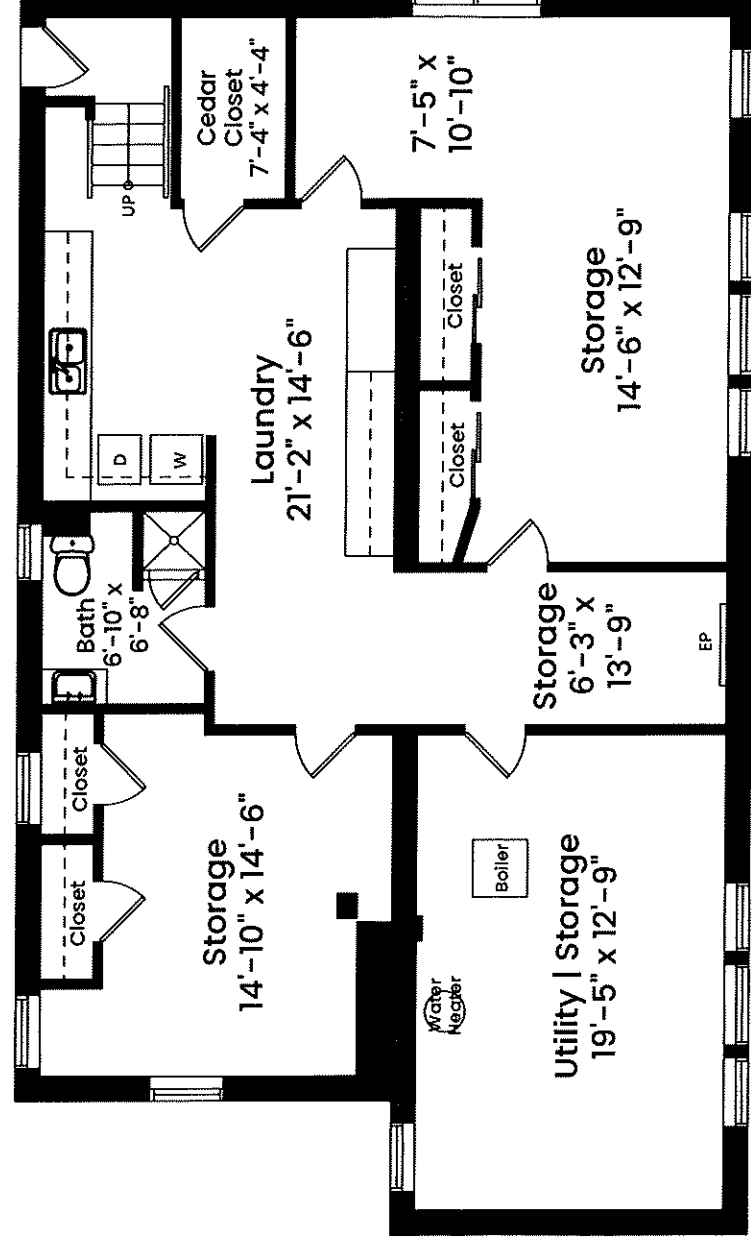
Architecturally drafted in July 2024 by:
 National Floor Plans (800) 328-0217
 Associate Member | American Institute of Architects
 Contact www.nationalfloorplans.com for .dwg AutoCAD files
 or square footage questions about this property.



Dimensions are not guaranteed and are provided for informational purposes only.
 Individual room dimensions are not used to calculate overall square footage.
 National Floor Plans follows ANSI guidelines for calculating square footage.

294 Butler Avenue | Providence, RI 02906

LOWER LEVEL
CEILING HEIGHT 7'-2"



AREA CALCULATIONS	
First Floor	1,645 SF
Second Floor	1,645 SF
Third Floor	836 SF
Total Gross Living Area	4,126 SF
Lower Level	1,452 SF
Third Floor Area Below 5'	98 SF
Total Area	5,676 SF

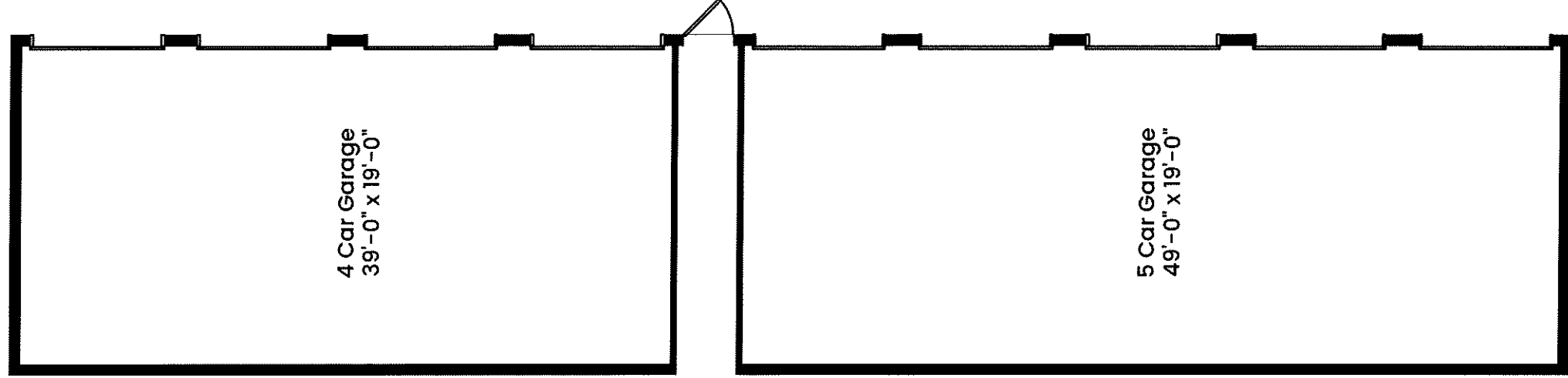
Architecturally drafted in July 2024 by:
National Floor Plans (800) 328-0217
Associate Member | American Institute of Architects
Contact www.nationalfloorplans.com for .dwg AutoCAD files
or square footage questions about this property.



Dimensions are not guaranteed and are provided for informational purposes only.
Individual room dimensions are not used to calculate overall square footage.
National Floor Plans follows ANSI guidelines for calculating square footage.

294 Butler Avenue | Providence, RI 02906

GARAGE PLAN



<u>AREA CALCULATIONS</u>	
First Floor	1,645 SF
Second Floor	1,645 SF
Third Floor	836 SF
Total Gross Living Area	4,126 SF
Lower Level	1,452 SF
Third Floor Area Below 5'	98 SF
Total Area	5,676 SF

Architecturally drafted in July 2024 by:
National Floor Plans (800) 328-0217
Associate Member | American Institute of Architects
Contact www.nationalfloorplans.com for .dwg AutoCAD files
or square footage questions about this property.



Dimensions are not guaranteed and are provided for informational purposes only.
Individual room dimensions are not used to calculate overall square footage.
National Floor Plans follows ANSI guidelines for calculating square footage.





WEIGHT
LIMIT
GROSS
15 TONS
NO TRUCKS
OR TRAILERS

PARKING
ENTRANCE



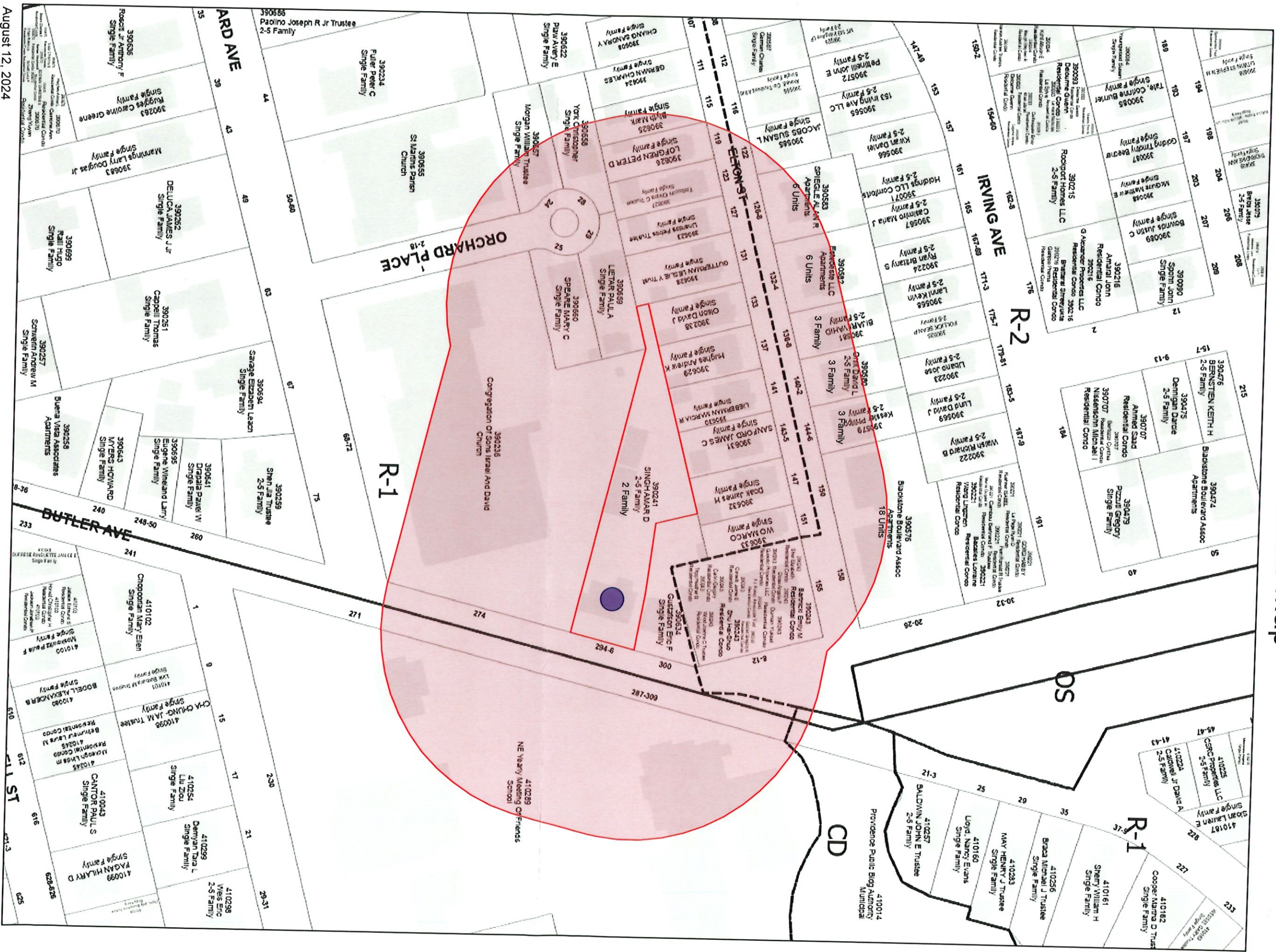








294 Butler Radius Map



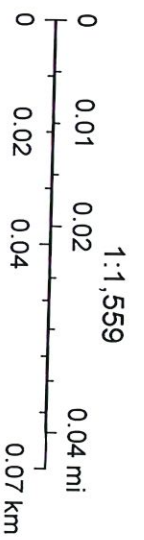
August 12, 2024

Prepared By:
Hull Designs



401-419-4797

250 Gano St
Suite 1
Providence, RI 02906



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