

CITY OF PROVIDENCE
ZONING BOARD OF REVIEW

INSPECTION & STANDARDS
RECEIVED

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

SEP 11 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: Elio Olivero Applicant Mailing Address
Email: eeot36@gmail.com Street: 86 Governor St
Phone: (401) 692-3021 City, State, Zip: Cranston, RI 02920

Owner: Dionicio Valerio Nunez Owner Mailing Address
Email: Dionisio49.dv@gmail.com Street: 69 Whittier Ave
Phone: 401-688-2825 City, State, Zip: Providence, RI 02909

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

Attorney: _____ 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: 372 Plainfield St.
Plat and Lot Numbers of Subject Property: Assessor's Plat 108, Lot 464

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

3a. Date owner purchased the Property: June 18, 2021

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

4. Dimensions of each lot:

Lot # <u>464</u>	Width <u>35 ft</u>	Depth <u>57.36 ft</u>	Total area <u>2,185</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>None</u>	Area of Footprint <u>None</u>
Overall Height _____	Overall Height _____
# of Stories _____	# of Stories _____

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

<u>Principal Structure:</u>	<u>Accessory Structure:</u>
Area of Footprint <u>1759 sf</u>	Area of Footprint _____
Overall Height <u>32' - 6"</u>	Overall Height _____
# of Stories <u>3 stories + unfinished basement</u>	# of Stories _____

6a. Existing Lot Coverage:

Building Coverage (area of all roofed structures) N/A

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) 80.5%

Total Impervious Coverage Area (area of all roofed structures and impervious surfaces) 91%

Rear Yard Impervious Coverage (area of structures and impervious surface in rear yard) 44.5%

Front Yard Impervious Coverage (area of structures and impervious surface in front yard) 100%

7a. Present Zoning Use of the Property: C-2

7b. Legal Zoning Use of the Property as recorded in the Dept. of Inspection & Standards:
Vacant Land (Commercial/Industrial)

8. Proposed Zoning Use of the Property: Mix Used (Commercial + Residential)

9. Number of Parking Spaces:

of existing spaces 2 # of proposed spaces 0

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

No Zoning Ordinance No 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>
Table 5-1	Commercial District Dimensional Standards - Rear Setback Zone
	The proposed rear setback is 10 ft. Required is 20 ft, because the lot is abutting a residential lot.
	The lot needs a relief of 10 ft.

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):

Construct a mixed use building on vacant lot that has 02 retail spaces on the first floor, and 04 residential units located in the second and third floor, having two dwellings on each floor.

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):

Dionicio Valerio Nunez

Type Name

Dionicio Valerio Nunez

Signature

Type Name

Dionicio Valerio

Signature

Applicant(s):

Elio Olivero

Type Name

Elio Olivero

Signature

Type Name

Elio E. Olivero

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 hardship results from one existing block building (located in lot 499) encroaches upon a portion of the lot, limiting the applicant's ability to develop the property in a manner that meets the community's needs. Following the regulated 20' rear setback would result in very small units, which would compromise their spatial quality. The requested 10' relief would allow for larger, more dignified units that enhance the living experience for future residents.

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

The lot in question is zoned as C2, which permits the absence of front or interior setbacks and imposes no maximum building coverage. This zoning designation allows for the potential utilization of nearly the entire footprint of the lot for the development of additional and larger residential units. However, the lot itself has a small footprint of only 2,185 square feet.

The existing one-story block building, which encroaches onto the lot in question, significantly constrains the applicant's ability to effectively develop the residential units on the upper levels. This encroachment reduces the permitted building envelope, necessitating that the proposed structure be designed to navigate around the existing building in order to accommodate both the commercial and residential spaces.

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 x _____

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:
-

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:
-

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 is requesting a 10-foot rear setback variance for the property at 372 Plainfield Street, reducing the required setback from 20 feet to 10 feet. This relief is essential due to the existing block building encroaching on the lot, which limits development and would result in undersized residential units if the full setback were enforced. The proposed variance aligns with Providence's zoning regulations and the city's broader goals for mixed-use developments and increased multifamily housing, enabling the construction of larger, more livable residential units that meet community needs.

The lot's C2 zoning and relatively small size make maximizing the buildable area crucial, and the setback variance would allow the property to be fully utilized for a mixed-use project with retail spaces and residential units. Historical precedents in the neighborhood for similar variances support this request, showing that it would not disrupt the area's character but rather enhance it by contributing to housing density and economic vibrancy. The variance is consistent with Providence's Comprehensive Plan for growth and would positively impact the community by addressing housing demand and supporting sustainable urban development.

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

PROVIDENCE ZONING BOARD

IN RE: 372 Plainfield St. Providence, RI 02909

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF APPLICATION FOR DIMENSIONAL VARIANCE FOR 372 PLAINFIELD STREET

Introduction

This document presents a compelling case for a *dimensional variance* concerning the rear setback requirement for the property located at **372 Plainfield Street, Providence, RI 02909**. The applicant is requesting a relief of 10 feet on the rear setback, thereby reducing the requirement from the mandated 20 feet to 10 feet.

This variance is crucial for the reasonable enjoyment of the property and aligns with the city's need for mixed-use buildings and multifamily residential units. The proposed variance is consistent with Providence's Official Zoning Ordinances, specifically Chapter 1902, which regulates use variances and dimensional variances.

Hardship Beyond Mere Inconvenience

The applicant faces a significant hardship that transcends mere inconvenience. The existing block building (located in lot 499) encroaches upon a portion of the lot, limiting the applicant's ability to develop the property in a manner that meets the community's needs and enhances the overall neighborhood. Following the regulated 20-foot rear setback would result in very small units, which would compromise their spatial quality. The requested 10-foot relief would allow for larger, more dignified units that enhance the living experience for future residents. Without the requested variance, the applicant would be unable to proceed with a development plan that is both viable and beneficial to the surrounding area.

Lot Characteristics and Zoning Advantages

The lot in question is zoned as C2, which permits the absence of front or interior setbacks and imposes no maximum building coverage. This zoning designation allows for the potential utilization of nearly the entire footprint of the lot for the development of additional and larger residential units. However, the lot itself has a relatively small footprint of only 2,185 square feet.

The option to obtain a 10-foot relief on the rear setback would significantly enhance the owner's ability to develop the property. This relief, combined with the advantages of the C2 zoning, would enable the owner to maximize the use of the lot. Consequently, this could facilitate the construction of a building that accommodates a greater number of larger residential units, thereby contributing positively to the overall density and vibrancy of the neighborhood.

Community Need for Mixed-Use Development

The city of Providence is experiencing a growing demand for mixed-use buildings that combine retail and residential spaces. The proposed development includes two retail units on the first level and four residential units (two on each of the second and third levels). This configuration not only addresses the community's need for more multifamily and multi bedroom residential units but also contributes to the vibrancy of the neighborhood by providing retail options that can serve local residents.

The new setback requirements would significantly reduce the building's potential, making it impossible to deliver the housing units that will help ease the housing demand in the area. While these units won't solve the housing shortage, they represent a contribution to the community by adding much-needed residential space.

Historical Context

It is important to note that this lot previously housed a building that did not adhere to the rear setback requirement. The absence of a rear setback in the past demonstrates that the strict enforcement of this requirement in the current context is unnecessary and counterproductive. Granting the variance would allow the property to be utilized in a manner consistent with its historical use while meeting contemporary urban planning objectives.

Moreover, there is precedent in the neighborhood for similar variances. For example, near 664 Plainfield Street, a four-story mixed-use building is under construction, having received a setback variance to allow two commercial spaces on the first floor and residential units above. Similarly, on 83 Heath Street, a multifamily building is under construction under similar conditions. These projects show that maintaining the requested setbacks for our development will not disrupt the neighborhood's look or infrastructure harmony but rather align with the established development patterns.

Alignment with Providence's Comprehensive Plan

According to Providence's Comprehensive Plan, the city is planning for significant growth and densification over the next decade through substantial zoning changes aimed at facilitating increased residential projects. The proposed variance aligns with these goals by allowing for the development of larger residential units, thus contributing to the city's vision of sustainable growth and enhanced livability.

Conclusion

In conclusion, the applicant's request for a 10-foot rear setback relief is justified by the clear hardship affecting the reasonable enjoyment of the property. The proposed mixed-use development aligns with the city's goals for increased multifamily housing and vibrant retail options.

The neighboring properties' encroachments have already reduced the buildable area, making adherence to new setbacks impractical and economically unfeasible. With neighborhood precedent for similar variances and the positive impact on the community's housing supply and economic development, maintaining the requested setbacks is a practical and consistent approach.

By granting this variance, the city would not only alleviate the applicant's hardship but also contribute positively to the community's growth and development, ensuring the project harmonizes with ongoing neighborhood developments.

TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS ABSTRACTED FROM CITY OF PROVIDENCE ZONING ORDINANCE, CHAPTER 27: ZONING

ACTION	MIN. LOT AREA C-2	MAX. FIRST LEVEL HEIGHT (ft) C-2	MAX. STRUCTURE HEIGHT (ft) C-2	MAX. BUILDING COVERAGE C-2	TOTAL MAX. IMPERVIOUS SURFACE COVERAGE C-2	MIN. FRONT SETBACK (ft) C-2	MIN. INTERIOR SIDE SETBACK (ft) C-2	MIN. CORNER SIDE SETBACK (ft) C-2	MIN. REAR SETBACK (ft) C-2	TABLE 14-1
										PARKING REQUIREMENT
REQUIRED	E. Lots: None	9' Residential Use 11' Non-Residential Use	50', not to exceed 4 stories	None	None	Build-to zone of 0' to 5' see 503.A.6 for built-to percentage requirement	None; unless abuttin residential district, then 10'	Build-to zone of 0' to 5' see 503.A.6 for built-to percentage requirement	None unless abuttin residential district, then 20'	In the R-4, C-1 and C-2 districts, all lots of 10,000sqft or less are exempt from parking requirements
PROPOSED	2,185 SF	11'	32' 6"	80.5%	91%	0'	0'	0'	Request for Dimensional Variance 10' Relief	-

PROJECT SUMMARY

PROJECT:
372 Plainfield St.
Providence, RI 02909, USA

DESCRIPTION:
Mix Used Building -
02 Retail Spaces and 04 Residential Units

ZONING:
C-2 Commercial District

APPLICABLE CODES:
RISBC-2 RHODE ISLAND BUILDING CODE
510-RICR-BUILDING CODE COMMISSION
2021 RI FIRE CODE
2021 RI LIFE SAFETY CODE

CONSTRUCTION TYPE
(Type IIB)



MICHIE DESIGN & BUILD
PERUNOVO LLC GC - 44956
70 KENNEDY PLAZA, SUITE 6,
PROVIDENCE, RI 02903

Designer
Bryan Michie

**372
PLAINFIELD
ST.
PROVIDENCE**

Client
Elio Olivero

372 PLAINFIELD ST.
PROVIDENCE



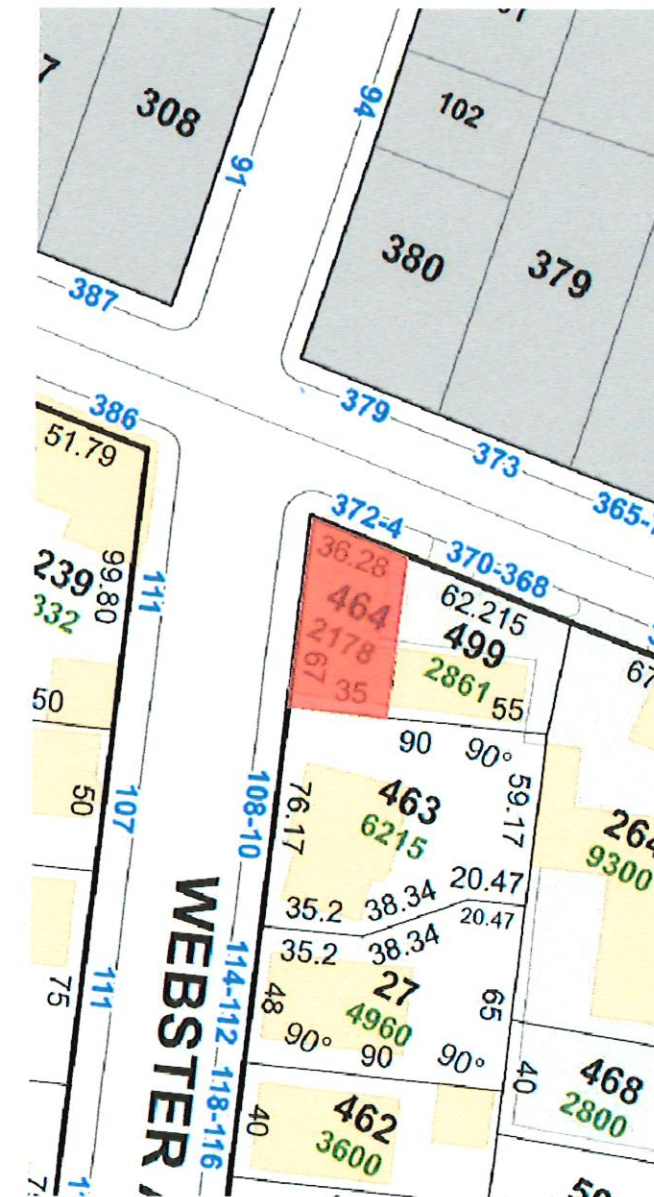
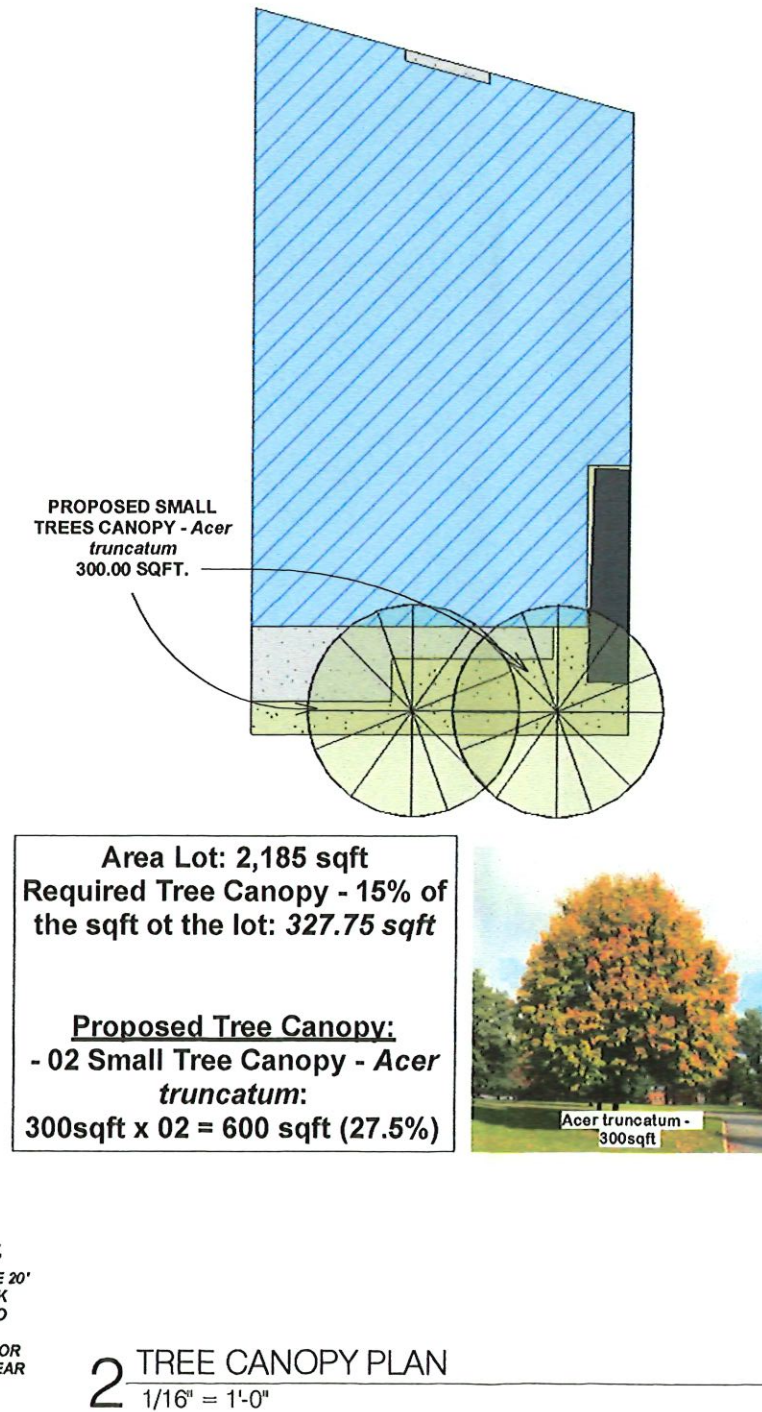
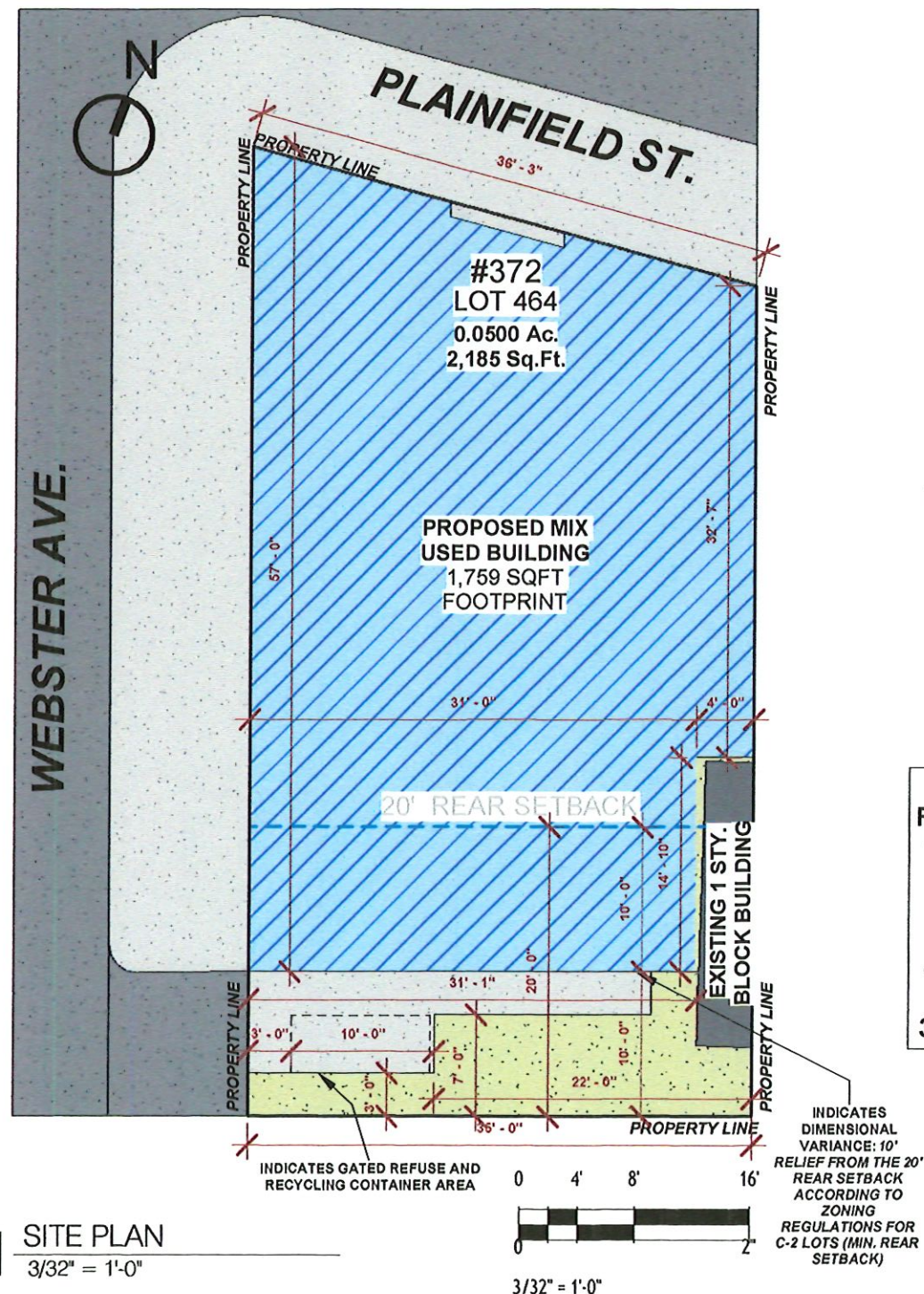
PROJECT: 372 PLAINFIELD ST.

Rev No.	Description	Date

DATE: SEPTEMBER 2024
SCALE: As indicated

ZONING AND BUILDING CODE

P'00





MICHIE DESIGN & BUILD
 PERUNOVO LLC GC - 44956
 70 KENNEDY PLAZA, SUITE 6,
 PROVIDENCE, RI 02903

Designer
 Bryan Michie

**372
 PLAINFIELD
 ST.
 PROVIDENCE**

Client
 Elio Olivero

372 PLAINFIELD ST.
 PROVIDENCE



PROJECT: 372 PLAINFIELD ST.

Rev No.	Description	Date

DATE: SEPTEMBER
 2024
 SCALE:

SURVEY PLAN

P'01

PREPARED FOR:
 PERUNOVO LLC
 70 KENNEDY PLAZA opt 6
 PROVIDENCE, R.I.
 02903-2000

ZONING DATA:
 CLASSIFICATION : C-2

FLOOD DATA:
 ENTIRE PARCEL IS NOT LOCATED IN ANY AREA OF FLOOD HAZARD
 ON FIRM COMMUNITY PANEL 44007C0304J EFFECTIVE 10/02/2015

- REFERENCES:
- 1.) PROVIDENCE ASSESSORS PLAT NO. 108
 - 2.) PROVIDENCE DEED BOOK/PAGE:
 13179/97, 9040/186, 13275/120 & 12331/82
 - 3.) PROVIDENCE RECORDED PLAT CARD 813
 "THE WEST PROV. LAND CO'S. PLAIN FARM HOMESTED PLAT" - 1891

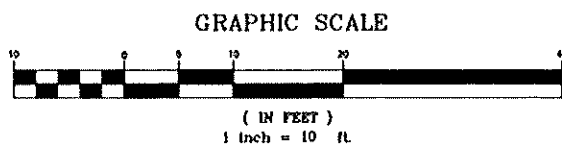
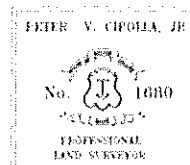
SURVEY CERTIFICATION:
 THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOV. 25, 2015, AS FOLLOWS:

TYPE OF SURVEY:	MEASUREMENT SPECIFICATION
COMPREHENSIVE BOUNDARY SURVEY	CLASS I
DATA ACCUMULATION - PLANIMETRIC	CLASS II

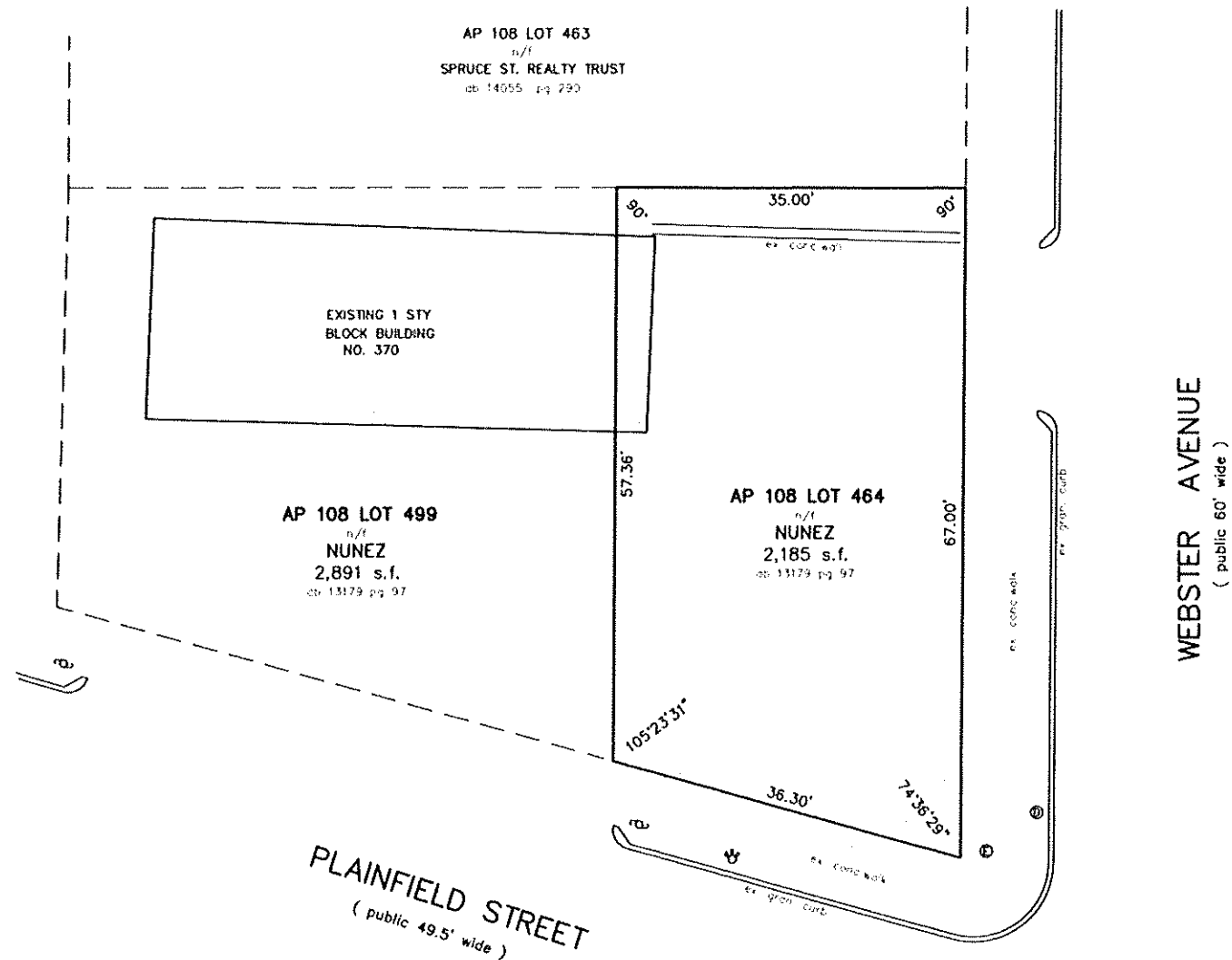
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

PERFORM A CLASS 1 PROPERTY SURVEY AND SHOW EXISTING CONDITIONS

BY: *Peter V. Cipolla, Jr.*
 PETER V. CIPOLLA, JR. - RIPLS # 1680
 COA # LS-A64



- LEGEND :**
- ⊙ = SEWER MANHOLE
 - ⊕ = SIGNAL MANHOLE
 - ⊖ = DRAIN CATCH BASIN
 - ⊗ = UTILITY POLE
 - ⊙ = WATER SHUT OFF



**SURVEY PLOT PLAN
 371 PLAINFIELD STREET
 A.P. 108 LOT 464
 PROVIDENCE, R.I.**

1" = 10' JULY 17, 2024
 PETER V. CIPOLLA, JR.
 professional land surveyor
 P.O. BOX 8662 - CRANSTON, R.I. - 02920



MICHIE DESIGN & BUILD
PERUNOVO LLC GC - 44956
70 KENNEDY PLAZA, SUITE 6,
PROVIDENCE, RI 02903

Designer
Bryan Michie

**372
PLAINFIELD
ST.
PROVIDENCE**

Client
Elio Olivero

372 PLAINFIELD ST.
PROVIDENCE



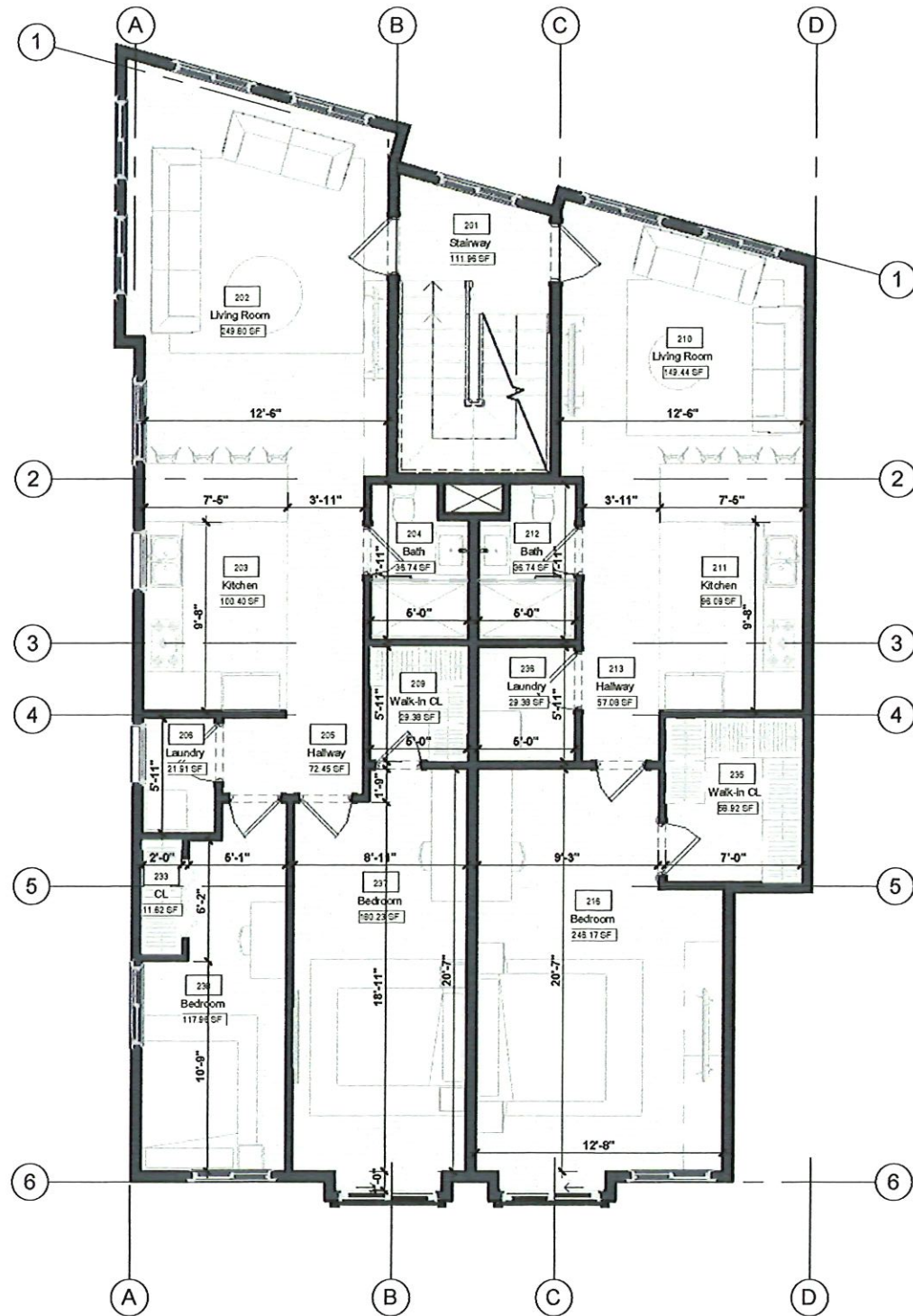
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Rev No.	Description	Date
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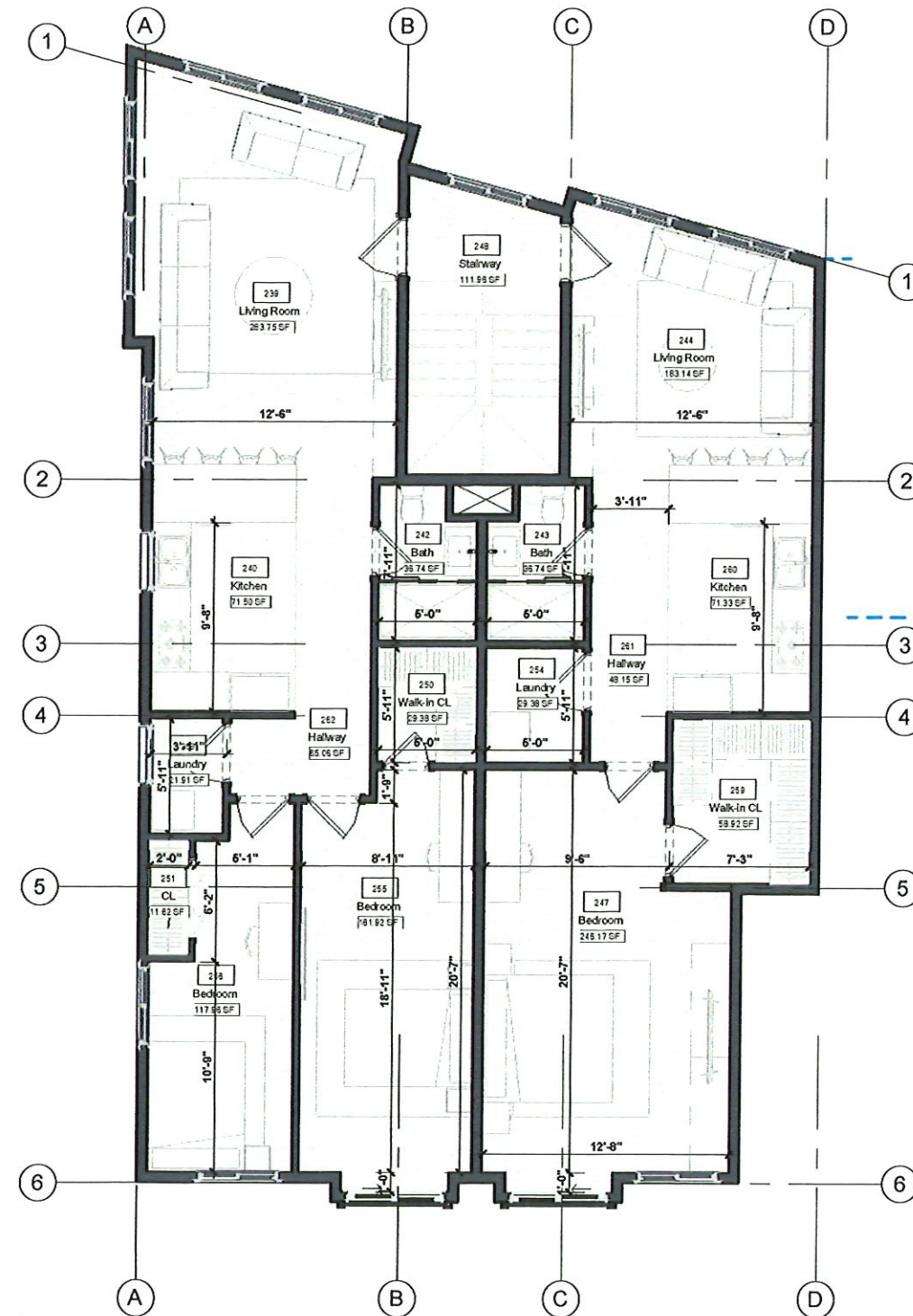
DATE: SEPTEMBER
2024
SCALE: 1/8" = 1'-0"

SECOND AND THIRD LEVEL

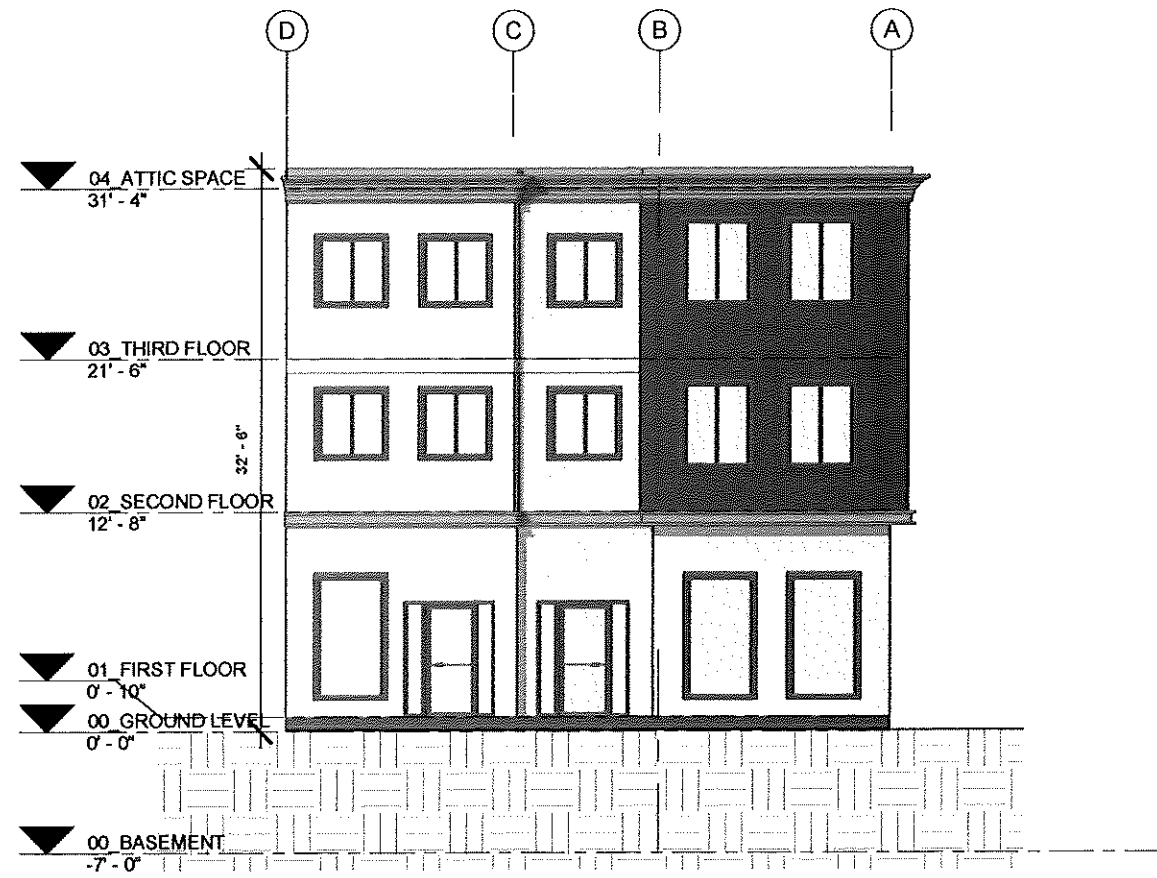
P'03



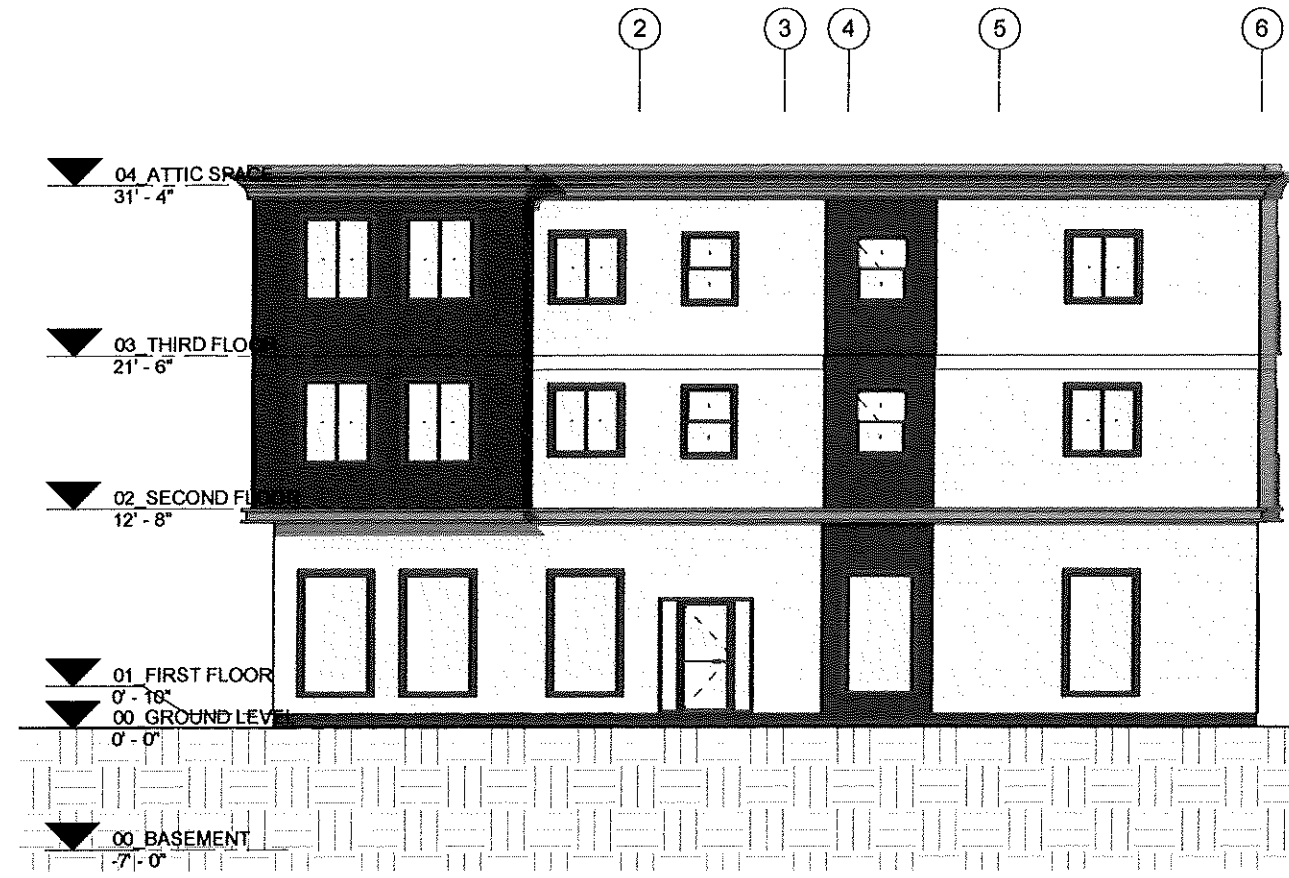
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1/8" = 1'-0"



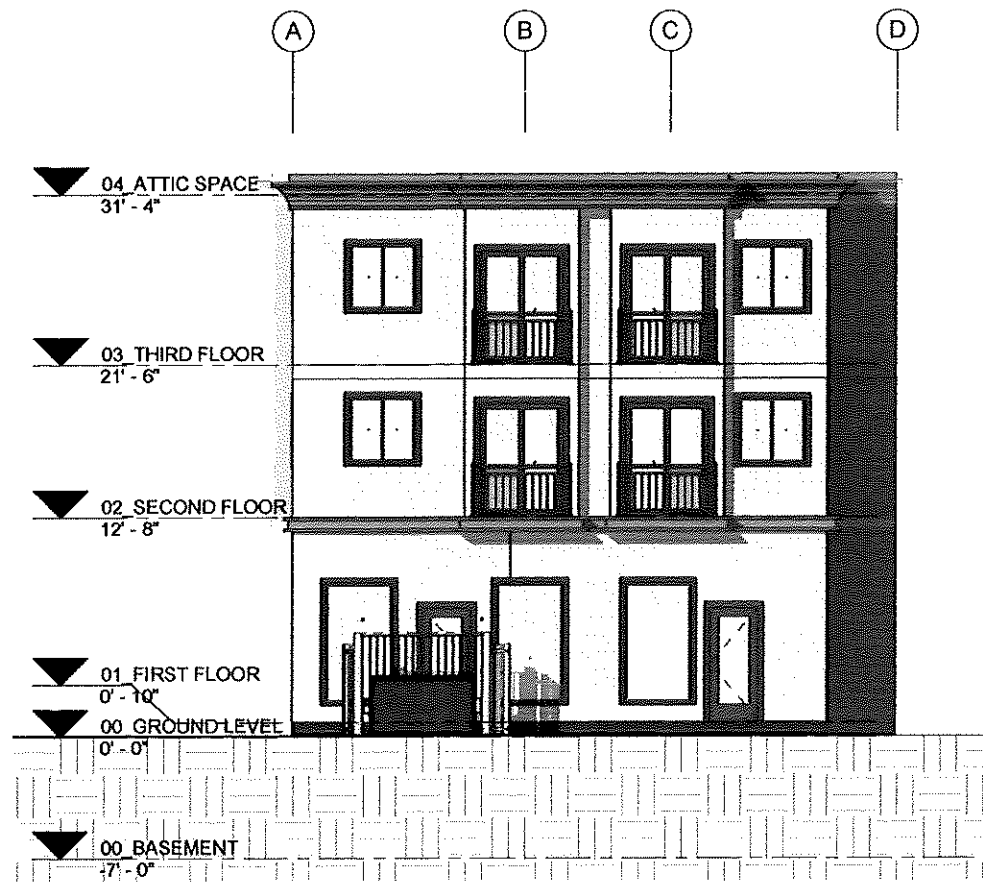
2 03 THIRD FLOOR
1/8" = 1'-0"



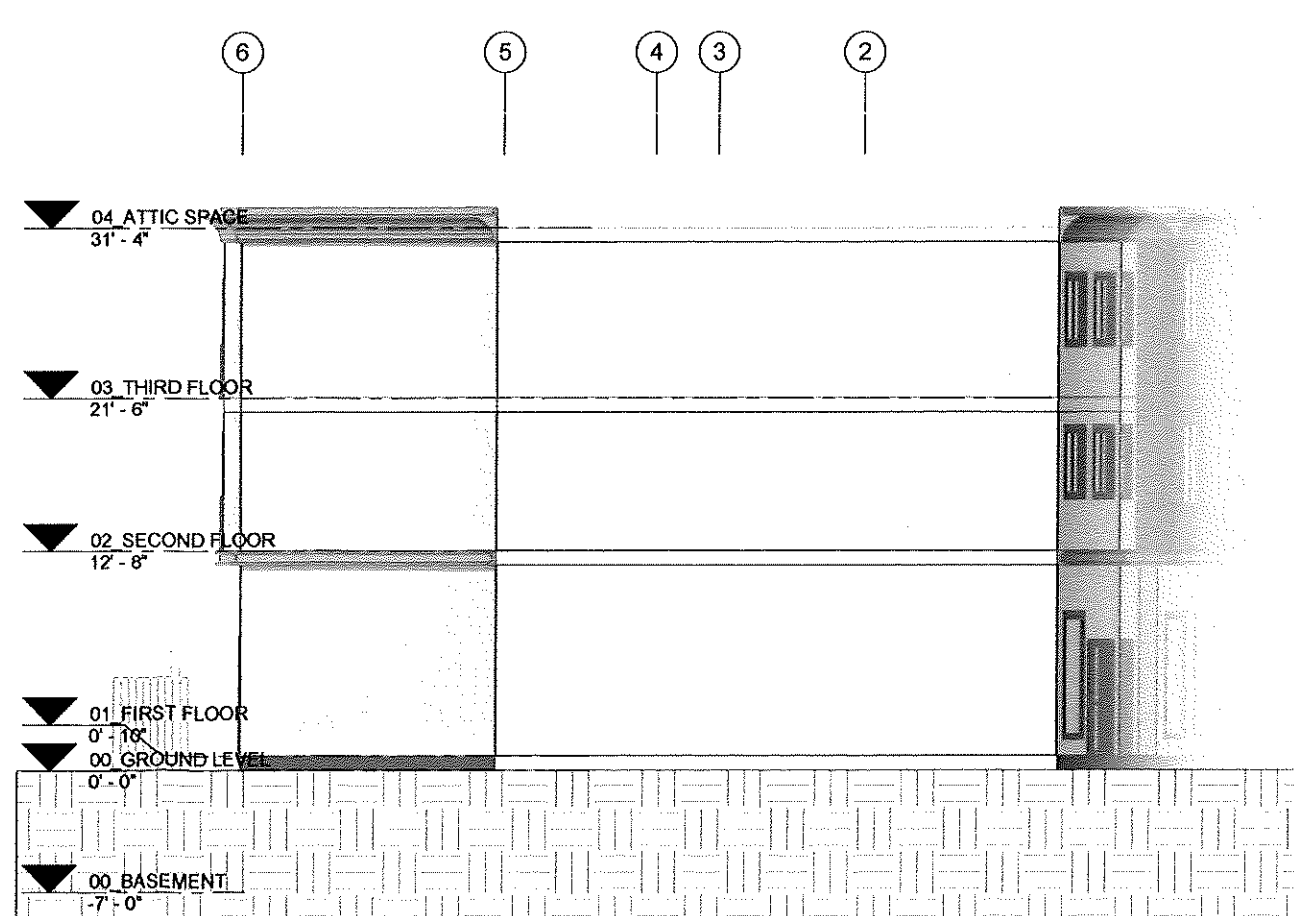
1 EAST ELEVATION
1" = 10'-0"



2 NORTH ELEVATION
1" = 10'-0"



3 WEST ELEVATION
1" = 10'-0"



4 SOUTH ELEVATION
1" = 10'-0"



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PROVIDENCE, RI 02903

Designer
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372 PLAINFIELD ST.
PROVIDENCE



PROJECT: 372 PLAINFIELD ST.

Rev No.	Description	Date

DATE: SEPTEMBER
2024
SCALE: 1" = 10'-0"

ELEVATIONS

P'04



MICHIE DESIGN & BUILD
PERUNOVO LLC GC - 44956
70 KENNEDY PLAZA, SUITE 6,
PROVIDENCE, RI 02903

Designer
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372 PLAINFIELD ST.
PROVIDENCE



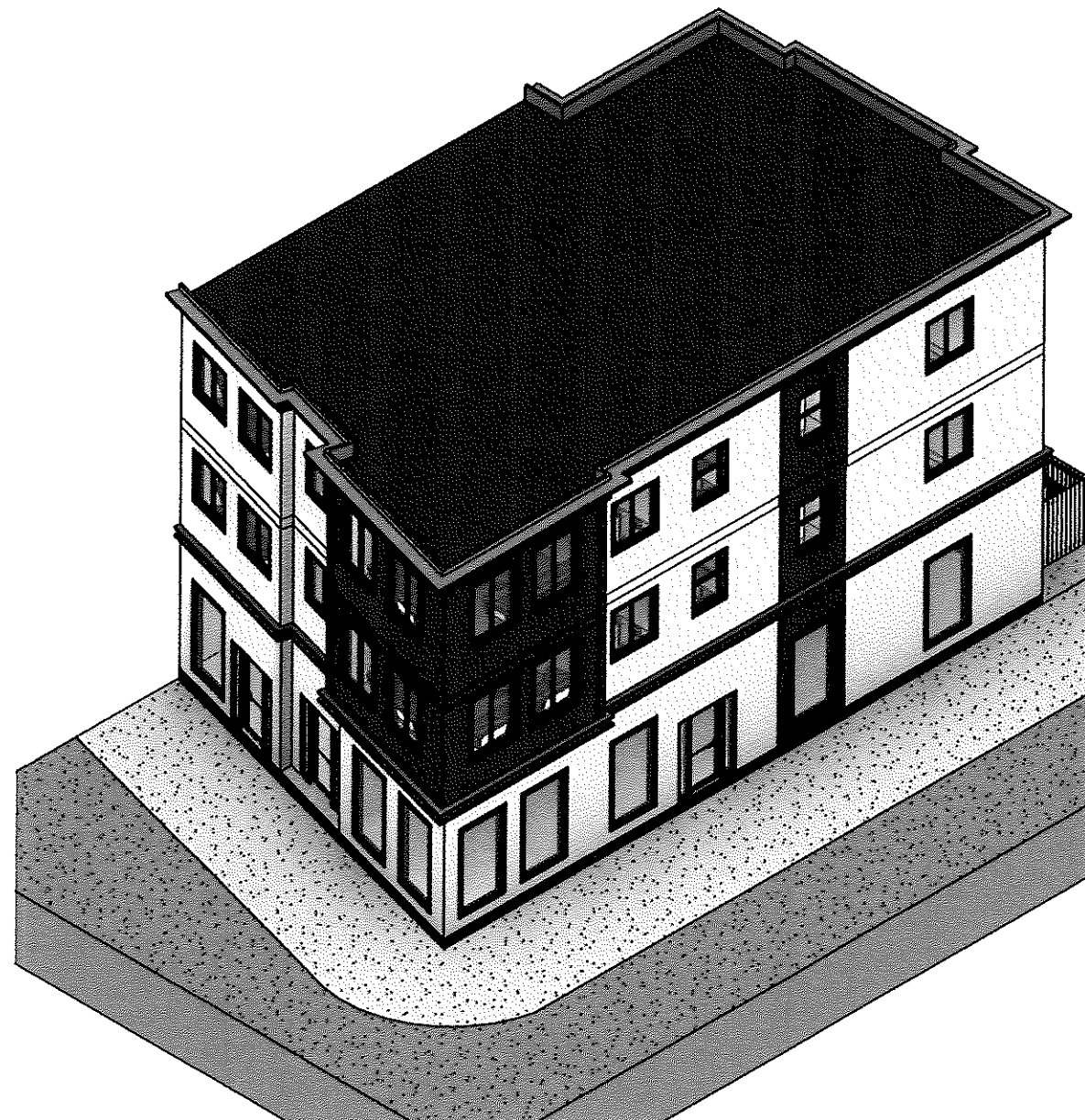
PROJECT: 372 PLAINFIELD ST.

Rev No.	Description	Date
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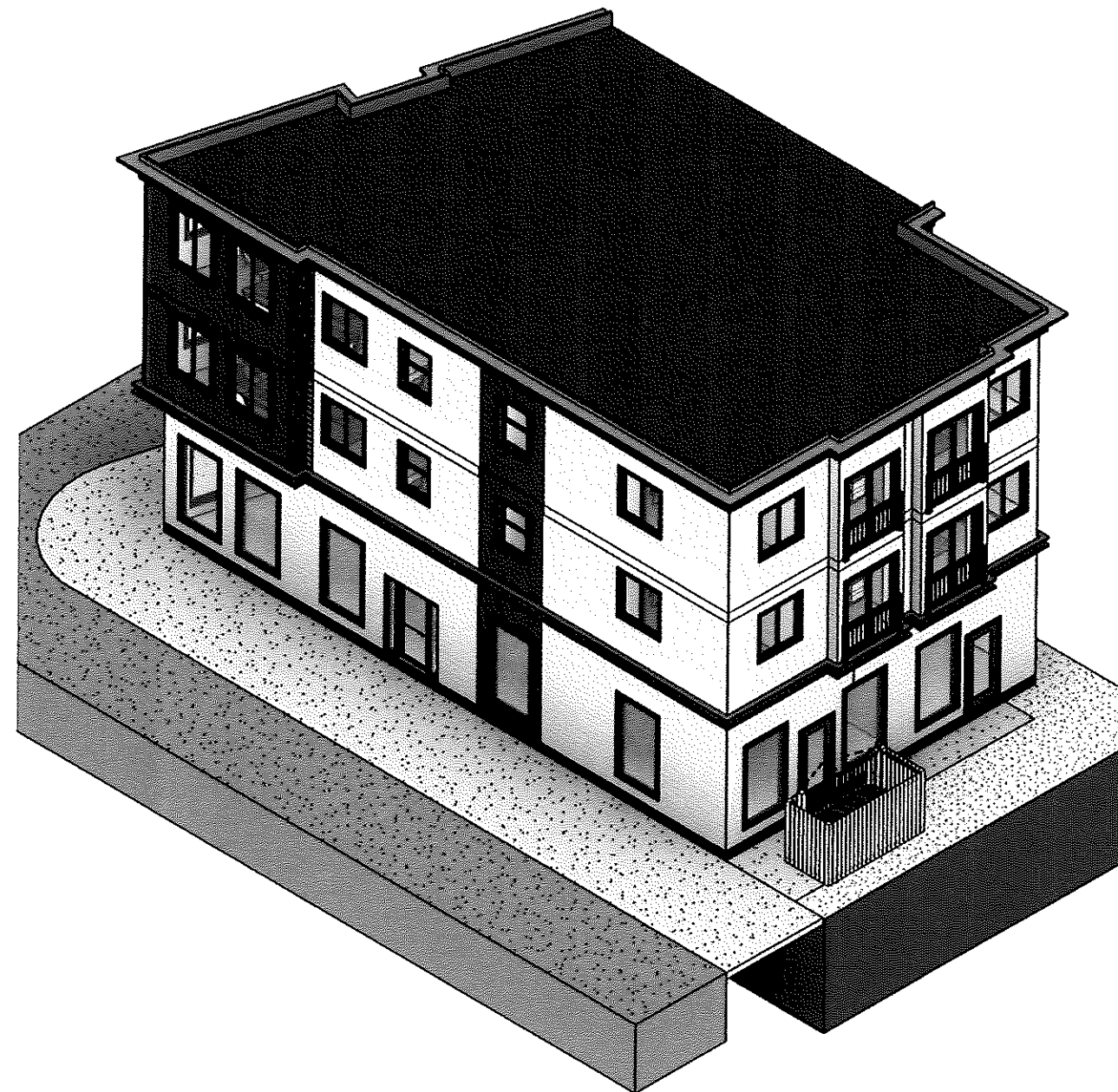
DATE: SEPTEMBER
2024
SCALE:

3D VIEWS

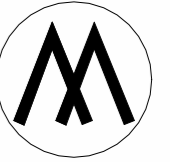
P'05



1 ISO VIEW 01



2 ISO VIEW 02



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Designer
 Bryan Michie

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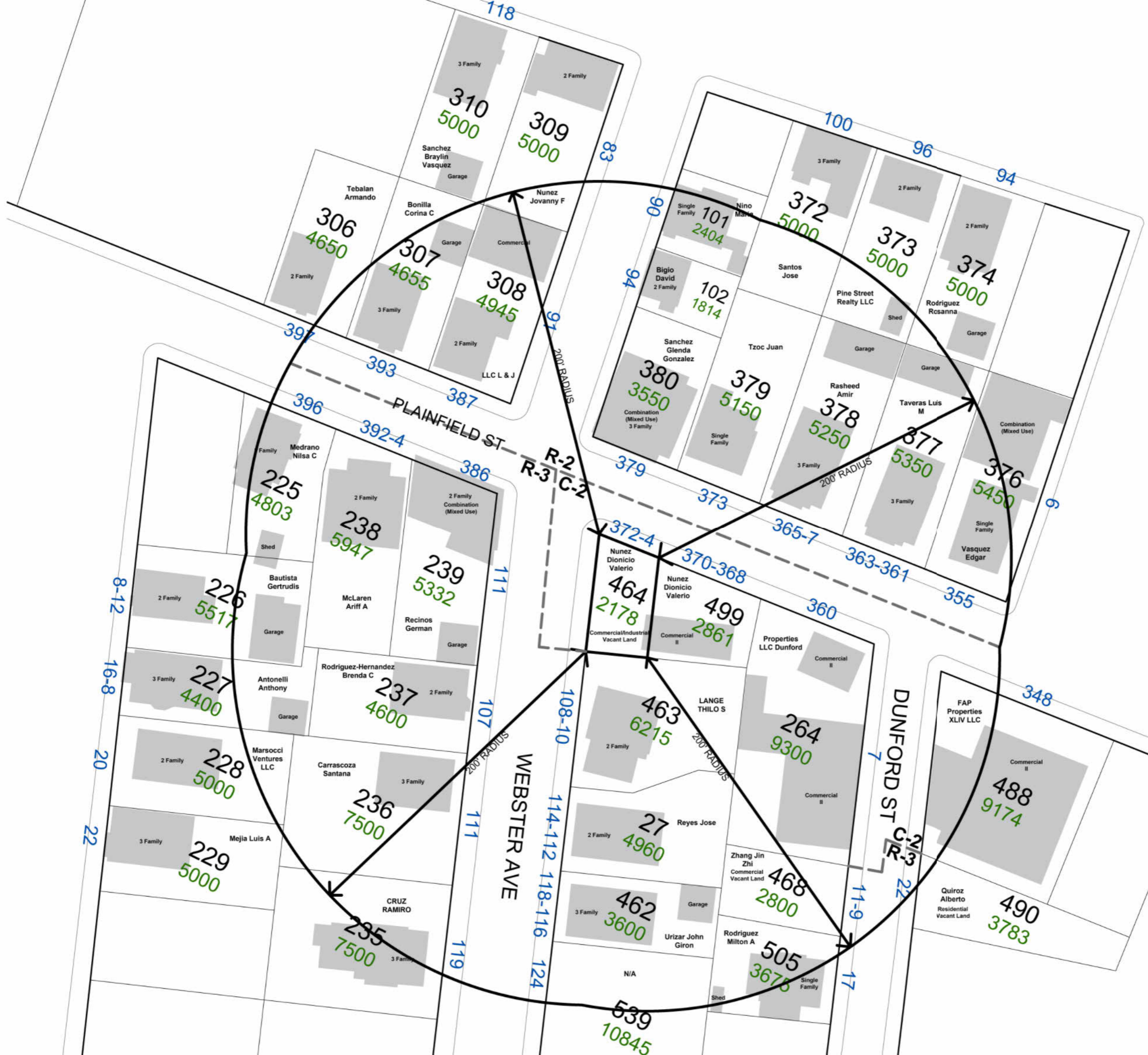
PROJECT: 372 PLAINFIELD ST.

Rev No.	Description	Date

DATE: SEPTEMBER
 2024
 SCALE: 1" = 50'-0"

200' RADIUS PLAN

P'000



PROVIDENCE ZONING BOARD

IN RE: 372 Plainfield St. Providence, RI 02909

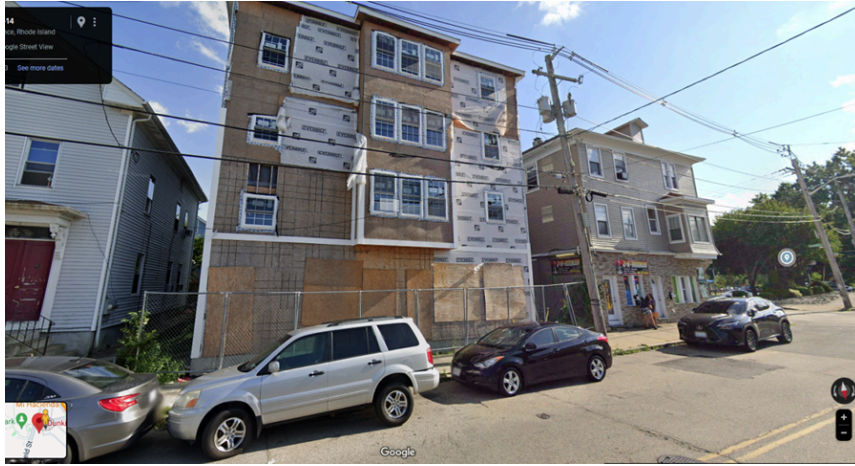
IMAGES IN SUPPORT OF APPLICATION FOR DIMENSIONAL VARIANCE FOR 372 PLAINFIELD STREET





Photo Survey of Similar Variances

Next to 654 Plainfield street (currently under construction) 805 meters from 372 Plainfield Street



Next to 83 Heath Street, (currently under construction) 322 meters from 372 Plainfield Street:

