

Brett P. Smiley
Mayor

FILED Marc A. Greenfield
Chair



2023 APR 28 P 3: 05

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

Zoning Board of Review

RESOLUTION NO. 2023-16

April 28, 2023

IN RE: Application for Special Use Permit
(Outdoor Dining at a Neighborhood Commercial Establishment)

PROPERTY: Tax Assessor's Plat 118, Lot 174
712 Admiral Street (R-3 Residential Zoning District)

OWNER/
APPLICANT: La Brasa Realty, LLC
907 Chalkstone Ave
Providence, RI 02908

COUNSEL: Kelley Morris Salvatore, Esq.
Darrow Everett LLP
1 Turks Head Place #1200
Providence, RI 02903

On April 12, 2023, 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, Mr. Holt, Mr. Ryan, and Ms. Rodriguez. Mr. Scott sat as a non-voting alternate, and Mr. Mitchell was absent.

WHEREAS, the Applicant sought a special use permit pursuant to Section 1202(U) and Table 12-1 of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance") in order to establish Outdoor Dining at an existing Neighborhood Commercial Establishment (restaurant); and

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

WHEREAS, Attorney Kelley Salvatore presented the application and testimony of owner and chef Cesin Curi; and

WHEREAS, the Board received written comment and heard oral comment in objection from abutting property owners Orfa Osorio and Fredy Pabon of 58-60 Zella Street through certified translator Carolyn Solano; and

WHEREAS, the Board received, and the Chair read into the record, the April 12, 2023 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 Ms. Rodriguez, the Board voted unanimously (5-0) to APPROVE the Application for special use permit pursuant to the condition outlined below.

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


1. The Property is located in an R-3 Residential District. It consists of a corner lot of approximately 4,756 square feet improved with a single-story existing Neighborhood Commercial Establishment (restaurant) with a footprint of 1,632 square feet and an accessory garage that is 400 square feet in size.
2. The Applicant owns and operates another restaurant with outdoor dining in Providence and is opening a new counter service style restaurant at the Property. The proposal is to establish a deck for outdoor dining in the rear yard to accommodate up to 24 diners.
3. The special use is established in Table 12-1 (Use Matrix), with reference to the use standards in Section 1202(U) of the Ordinance.
4. The Board has read and agrees with the report and recommendation of the DPD, which is incorporated herein by reference.
5. The Board finds that the Application, together with the testimony of the Applicant, established that outdoor dining at the Property will be conducted in conformance with the use standards set forth in Ordinance Section 1202(U).
6. The Board finds that granting the proposed special use permit will not substantially injure the use and enjoyment of, nor significantly devalue, neighboring property. While the Property is zoned R-3, the Board notes that the location is part of a busy mixed-use corridor and finds that the proposed use will be in harmony with the surrounding neighborhood and community. The Board heard the concerns of the abutting neighbors regarding noise that may arise from outdoor dining and notes the testimony of the

Applicant that the hours of operation will include a closing time of 9pm, which meets the requirements of Section 1202(U). Further, the Board notes that the city noise ordinance would be in effect at the site and the Applicant has agreed to the condition that landscaping (Arborvitae) be planted along the southerly lot line from the existing garage to the westerly lot line to help mitigate sound coming from the outdoor dining area.

- 7. For the same reasons set forth in paragraphs 5 and 6 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.

WHEREFORE, upon motion by Mr. Holt, seconded by Ms. Rodriguez, the Board voted unanimously (5-0) to APPROVE the application for special use permit for Outdoor Dining with the condition that the Applicant shall plant a row of Arborvitae at the southerly lot line from the existing garage to the westerly lot line.

By Order of the Zoning Board of Review.
RECEIVED:
Providence
Received for Record
05/03/2023 12:52:18 PM
Document Num: 2023345622
Maria Mansolillo
Recorder of Deeds


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 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: Rodriguez
MEMBERS VOTING IN FAVOR: Holt, Rodriguez, Maniotes, Ryan, Greenfield
MEMBERS VOTING AGAINST: None

ZONING:
CLASSIFICATION = R-3

PREPARED FOR:
LOS ANDES BRASAS, LLC
712 ADMIRAL STREET
PROVIDENCE, R.I.
02908

FLOOD DATA:
ENTIRE PARCEL IS NOT LOCATED IN ANY FLOOD ZONE ON
FIRM COMMUNITY PANEL 44007C0302H EFFECTIVE 10/02/2015

REFERENCES:

- 1.) CITY OF PROVIDENCE ASSESSORS PLAT NO. 118
- 2.) CITY OF PROVIDENCE DEED BOOK/PAGE;
13481/117, 13097/102, & 12706/287
- 3.) CITY OF PROVIDENCE STREET LINE PLANS;
ZELLA STREET AND ADMIRAL STREET
- 4.) CITY OF PROVIDENCE RECORD PLAT CARD 1000
"RIVER AVENUE PARK" - 1912

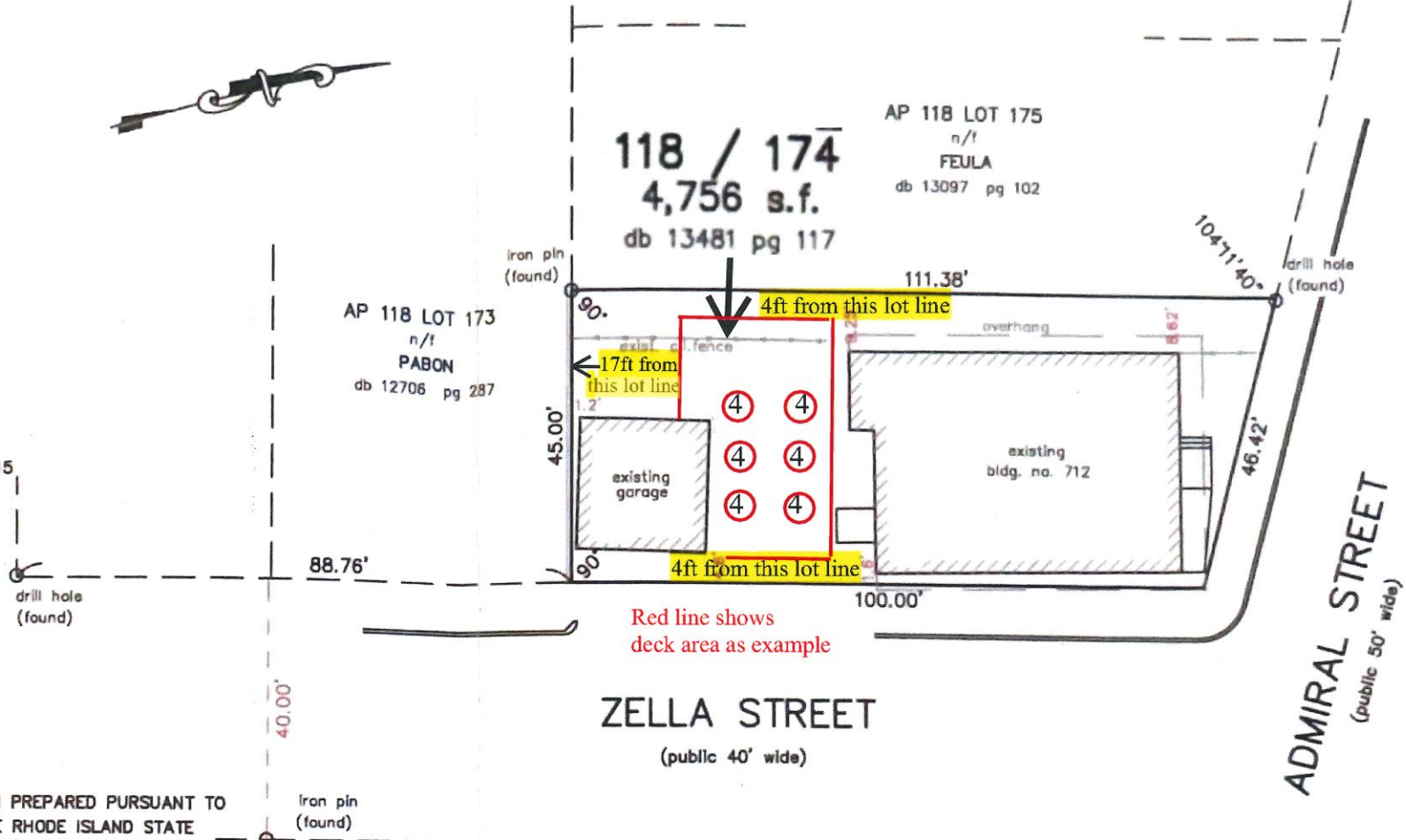
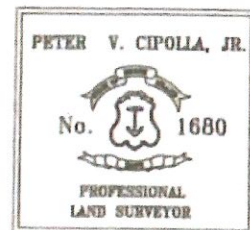
SURVEY CERTIFICATION:

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

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



118 / 174
4,756 s.f.
db 13481 pg 117

AP 118 LOT 175
n/i
FEULA
db 13097 pg 102

AP 118 LOT 173
n/i
PABON
db 12706 pg 287

ZELLA STREET
(public 40' wide)

ADMIRAL STREET
(public 50' wide)

Red line shows
deck area as example

NOTE:
④ Outdoor Dining Area; see proposed examples of decking,
submitted herewith.

APPROVED PLANS
ZONING BOARD OF REVIEW
DATE 4-28-2023
PAGE 1 OF 1

SURVEY PLOT PLAN
A.P. 118 LOT 174
PROVIDENCE, R.I.
1" = 20' FEB. 20, 2023
PETER V. CIPOLLA, JR.
professional land surveyor
P.O. BOX 8662 - CRANSTON, R.I. - 02920