

East Providence Zoning Board of Review

DIMENSIONAL VARIANCE FORM (Ref. 19-47)

This form must be completed in full prior to being considered by the Zoning Board of Review.

Attorney Christine J. Engustian
PHONE NUMBER: 401-434-1250

| |
|----------------------------------|
| File # _____ |
| Date of Filing _____ |
| Received By _____ |
| Date of Hearing _____ |
| Action _____ |
| Recorded _____ Bk _____ Pg _____ |

1. LOCATION OF PROPERTY 1 and 9 Grove AVENUE/STREET
MAP 106 BLOCK 08 PARCEL 7 + 6 ^{respectively} ZONING DISTRICT C-1

2. OWNER Grove Avenue Associates, LLC
ADDRESS 29 Whelden Avenue, East Providence, RI 02914
DATE OF PURCHASE January 2, 2003
PROPOSED LESSEE/PURCHASER N/A
ADDRESS _____
ATTORNEY Christine J. Engustian
ADDRESS One Grove Avenue, East Providence, RI 02914
REPRESENTING Owner

3. DIMENSIONS OF SITE _____
Parcel 7: 4,640 SF
Parcel 6: 10,070 SF

| | Width | Depth | Area (Sq. Ft.) |
|----------|-------|-------|----------------|
| Parcel 7 | | | 4,640 SF |
| Parcel 6 | | | 10,070 SF |

LIST OF ALL EXISTING BUILDINGS AND USES:

| Use | Building Height | Area (Sq. Ft.) (Building Footprint) | Type of Construction |
|-----------------------|-----------------|--|----------------------|
| (1) Parcel 7/office | 2-story | 1,200 SF | Wood/Brick |
| (2) Parcel 6/3-family | 2 3/4 story | 1,280 SF | Wood/Brick |
| (3) _____ | | | |

4. LIST OF PROPOSED CONSTRUCTION AND USES:

| Use | No. of Height Stories | Basement Yes/No | Area (Sq. Ft.) (Bldg Footprint) | Multi-Family No. of Bedrooms/Unit | Type of Construction |
|--|-----------------------|-----------------|------------------------------------|-----------------------------------|----------------------|
| (1) <u>No construction is proposed</u> | | | | | |
| (2) _____ | | | | | |
| (3) _____ | | | | | |

(Over)

5. THIS VARIANCE APPLICATION RELATES TO:

- Principal Building (s) Accessory Building Lot Area

CHECK ONE OR MORE:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Setback Requirement | <input type="checkbox"/> Number of Dwelling Units |
| <input type="checkbox"/> Lot/Building Coverage | <input type="checkbox"/> Floor Area |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Height |
| <input type="checkbox"/> Amount Parking or Loading | <input type="checkbox"/> Signs/Billboards |
| <input type="checkbox"/> Location/Dimensions of Parking or Loading | <input checked="" type="checkbox"/> Other: <u>Lot Width;</u> |
| <input type="checkbox"/> Extension of Nonconforming Structure | <u>Maximum Impervious coverage;</u> |
| | <u>Trash storage area;</u> |
| | <u>Parking Aisle Width</u> |

6. VARIANCE SOUGHT: List each applicable section of the Zoning Ordinance for which Variance is sought plus a brief description of the nature of the variance (s):

| Section Number | Description Variance |
|----------------|----------------------------|
| | PLEASE SEE ATTACHED SHEET. |
| | |
| | |

7. DEVIATION FROM REQUIRED STANDARDS

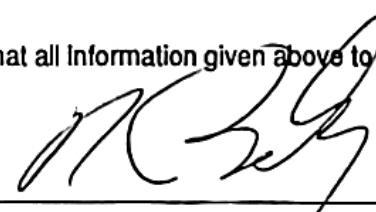
| Section Number | Ordinance Requirement | Proposed |
|----------------|----------------------------|----------|
| | PLEASE SEE ATTACHED SHEET, | |
| | | |

8. DESCRIBE THE UNIQUE CHARACTERISTICS OR OTHER PECULIARITIES OF THE PROPERTY WHICH CREATE HARDSHIP.

| |
|--|
| PLEASE SEE ATTACHED SHEETS FOR APPLICANT'S ANSWER. |
| |
| |

NOTE: PLANS ACTED UPON BY THE BOARD BECOME INCORPORATED AS PART OF THE DECISION AND ARE FINAL.

I, the undersigned, swear that all information given above to the best of my knowledge is complete and correct.

OWNER(S) SIGNATURE:  DATE 5/2/23

Robert M. Brady, Managing Member DATE

Agent/Attorney Christine J. Engustian Address 1 Grove Ave., Ea. Prov., RI 02914

GROVE AVENUE ASSOCIATES, LLC

APPLICATION FOR DIMENSIONAL VARIANCES

Re: 1 Grove Avenue, East Providence, RI 02914; Map 106, Block 08, Parcel 007.00
9 Grove Avenue, East Providence, RI 02914; Map 106, Block 08, Parcel 006.00

ANSWER TO QUESTIONS 6 AND 7 REGARDING NATURE OF REQUESTED DIMENSIONAL VARIANCES AND THE EXTENT OF THE DEVIATIONS FROM THE ORDINANCE REQUIREMENTS:

PARCEL 6 (9 Grove Avenue / Three-family dwelling):

| <u>Zoning Ordinance Section</u> | <u>Ordinance Requirement</u> | <u>Existing</u> | <u>Proposed</u> |
|--|--|-----------------|--|
| §19-145 (Min. Front Yard Setback) | 15 feet | 8 feet | 8 feet |
| §19-145 (Min. Side Yard Setback) | 10 feet | 5.8 feet | 5.8 feet |
| §19-145 (Min. Lot Area) | 10,000 square feet | 10,070 SF | 7,049 SF |
| §19-145 (Min. Lot Width) | 100 feet | 100 feet | 70.00 feet |
| §19-145 (Max. Impervious Coverage) | 55% | 63.3% | 57.0% |
| §19-282(a) (Minimum Parking Aisle Width) | 24 feet (one-way and two-way traffic) for 90 ° angle parking | | 12.4* *But see proposed easement = 24 ft. |

PARCEL 7 (1 Grove Avenue / Offices):

| <u>Zoning Ordinance Section</u> | <u>Ordinance Requirement</u> | <u>Existing</u> | <u>Proposed</u> |
|-------------------------------------|---|-----------------|--|
| §19-145 (Min. Front Yard Setback) | 15 feet | 11.2 feet | 11.2 feet |
| §19-145 (Min. Lot Area) | 10,000 square feet | 4,640 SF | 7,661 SF |
| §19-145 (Min. Lot Width) | 100 feet | 46.10 feet | 76.11 feet |
| §19-145 (Max. Impervious Coverage) | 55% | 63.1% | 69.0% |
| §19-261 (a)(9) (Trash Storage Area) | 1 dumpster | None | None |
| §19-282 (Parking Aisle Width) | 13 feet (1-way traffic), for 0 degree angle parking | | 10.9* *But see proposed easement = 24 ft. |
| | 24 feet (1-way & 2-way traffic) for 90° angle parking | | 17.2** **But see existing ROW = 25 ft. |

ANSWER TO QUESTION 8:

The Owner and Applicant Grove Avenue Associates, LLC (hereinafter "Applicant") submitted to the City of East Providence an Application for an Administrative Subdivision under Article 7 of the City of East Providence Land Development and Subdivision Review Regulations. At the time of the submission of the within Dimensional Variance Application, the Owner/Applicant has received a Certificate of Completeness on its administrative subdivision application. Yet, because the proposed subdivision requires zoning relief from this Honorable Zoning Board of Review, the proposed administrative subdivision requires approval by the Planning Board (rather than Administrative Officer) and any such approval must be conditional upon this Zoning Board's granting of the requested dimensional variances.

The subject properties are adjoining parcels of land situated on the southerly side of Grove Avenue, generally opposite the East Providence City Hall, and under the same ownership. Each parcel of land has an existing structure on it; and both structures were erected before the adoption of the City Zoning Ordinance. The structure on Parcel 7 (1 Grove Avenue), at the corner of Grove Avenue and Purchase Street, is a two-story commercial/office building that presently houses law offices. The structure on Parcel 6 (9 Grove Avenue) is a three-unit residential apartment building, which is fully rented.

Presently, the boundary line between the two parcels is situated below the commercial building at 1 Grove Avenue. (*Please See* the Boundary Survey Plan submitted with the subject application.) The Applicant submitted the Application for an Administrative Subdivision to eliminate this undesirable situation by moving the boundary line to the east, as shown on the accompanying Administrative Subdivision Plan. No new improvements are, or construction is, proposed.

The subject parcels of land are situated in a Commercial One (C-1) Zoning District. Neither parcel currently meets all of the dimensional requirements in Section 19-145 of the City Zoning Ordinance. *Please See* the Zoning Table under Notes/References, 4. on the Administrative Subdivision Plan. The existing Parcel 7 (with the boundary line under the existing commercial building) is deficient in lot area, lot width, front yard, a side yard and maximum impervious coverage requirements. The existing Parcel 6 is deficient in front yard, a side yard and maximum impervious coverage requirements. Again, these are pre-existing conditions. With the *proposed* subdivision, Parcel 7's lot area and lot width are greater and, thus, grow closer to the minimum requirements under Section 19-145. However, it comes with a correlating increase, albeit small, in impervious coverage. In summary, all but one of the existing dimensional deficiencies on Parcel 7, namely that relating to a side yard, will remain after the subdivision. The *proposed* Parcel 6 decreases in its former lot area and lot width and, consequently, in addition to the three existing non-conformances (front yard, a side yard and impervious coverage), requires dimensional relief for its lot area and lot width.

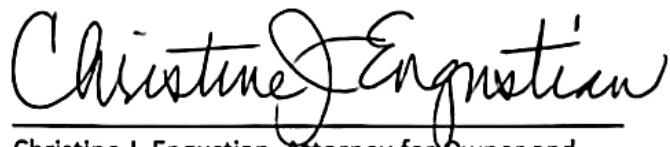
Although each proposed parcel exceeds the required parking space count, there is a need for zoning relief on the required parking aisle widths for each parking area on the proposed parcels. It is important to note, however, that the existing, recorded easement from Purchase Street, between Parcels 7 and 8 (Map 106, Block 08), remedies any deficiency between the back edge of the parking

spaces (facing the back of the office building) on Parcel 7 and Parcel 7's back property line by allowing the vehicles entering from and exiting to Purchase Street to traverse over Parcel 8. That easement exceeds the required 24-foot aisle width by one foot. Regarding the parking aisle width between proposed Parcels 7 and 6, the Applicant proposes an easement covering both Parcel 7 and Parcel 6 that is 24 feet in width to accommodate both the 90 degree angle parking facing the three-family dwelling and the zero degree angle parking (parallel parking) along the side of the office building.

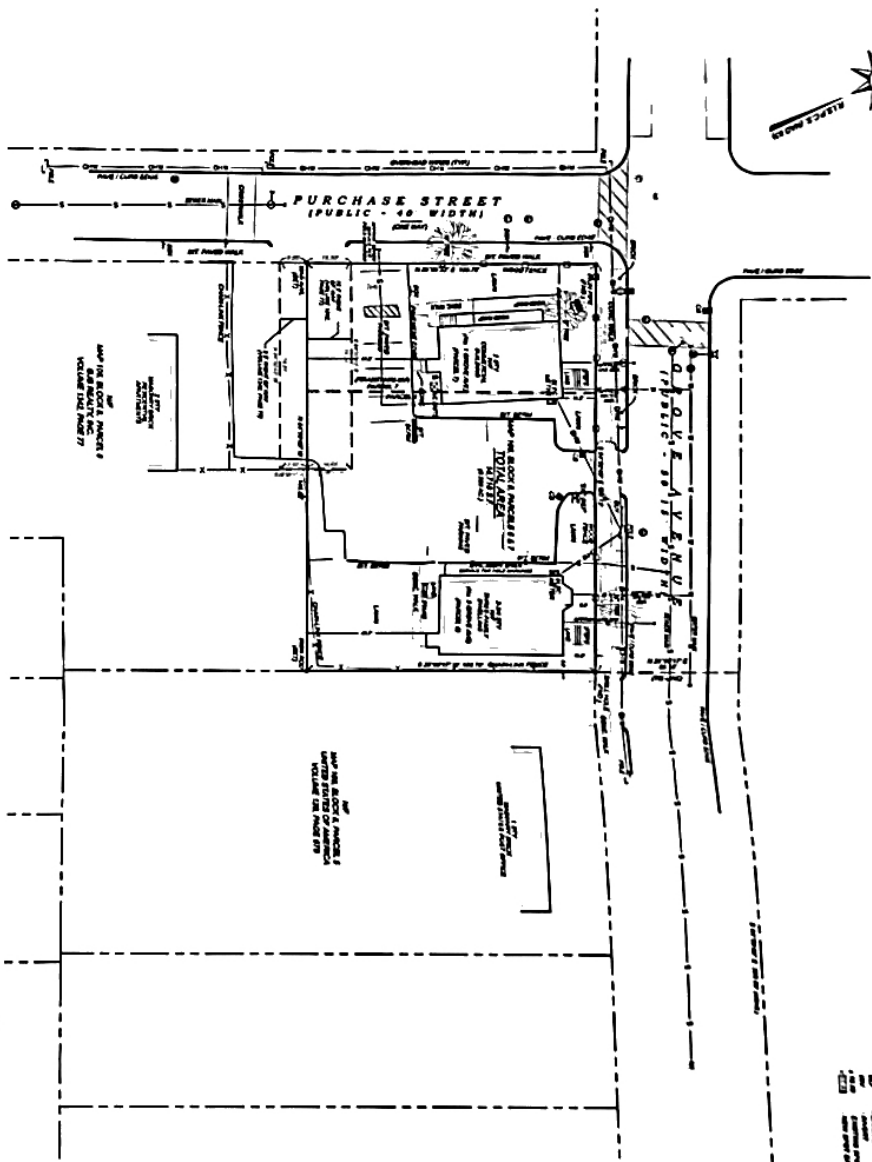
Lastly, there is a need for a variance or waiver from the requirement of a dumpster relative to the commercial building. (Zoning Ordinance, Section 19-261, Trash storage area) There is no dumpster currently on the premises. Trash is removed weekly from the commercial building by a private cleaning company. In the past, Applicant had a dumpster on the premises but it was located on Parcel 6 where the residential structure is situated. Moreover, the dumpster would get filled with trash, furniture, large items of junk, etc. by unknown persons who were not occupants of the commercial and residential buildings on the subject parcels. It became a true and costly nuisance to the owner. The sightlier and safer way to address trash removal was to remove the dumpster and have the private company responsible for it. The Applicant proposes to continue operating the office uses in the commercial building on Parcel 7 without the presence of a dumpster.

In summary, the proposed administrative subdivision is a logical means to remedy the fact that a boundary line between the subject parcels of land runs below an existing structure and thereby prevents these two distinct parcels from ever properly functioning if each is not owned by the same person(s) or entity(ies). The noted dimensional deficiencies are largely pre-existing conditions and those that are added due to the proposed subdivision are mitigated by the benefits of adjusting the lot line between the subject parcels of land. Moreover, granting the dimensional relief needed would have no adverse impact on the safety and general well-being of the public, as there is no new construction proposed, and the applicant/owner would certainly suffer more than a mere inconvenience should the relief be denied.

Respectfully submitted,



Christine J. Engustian, Attorney for Owner and
Applicant Grove Avenue Associates, LLC
One Grove Avenue
East Providence, RI 02914
401.434.1250



LEGEND & ABBREVIATIONS

| | |
|-----------|-----------------------------|
| 1" = 10' | Proposed Building Footprint |
| 2" = 10' | Proposed Parking Area |
| 3" = 10' | Proposed Driveway |
| 4" = 10' | Proposed Sidewalk |
| 5" = 10' | Proposed Street |
| 6" = 10' | Proposed Utility Line |
| 7" = 10' | Proposed Easement |
| 8" = 10' | Proposed Right-of-Way |
| 9" = 10' | Proposed Boundary |
| 10" = 10' | Proposed Lot Line |
| 11" = 10' | Proposed Survey Line |
| 12" = 10' | Proposed Easement |
| 13" = 10' | Proposed Right-of-Way |
| 14" = 10' | Proposed Boundary |
| 15" = 10' | Proposed Lot Line |
| 16" = 10' | Proposed Survey Line |
| 17" = 10' | Proposed Easement |
| 18" = 10' | Proposed Right-of-Way |
| 19" = 10' | Proposed Boundary |
| 20" = 10' | Proposed Lot Line |
| 21" = 10' | Proposed Survey Line |
| 22" = 10' | Proposed Easement |
| 23" = 10' | Proposed Right-of-Way |
| 24" = 10' | Proposed Boundary |
| 25" = 10' | Proposed Lot Line |
| 26" = 10' | Proposed Survey Line |
| 27" = 10' | Proposed Easement |
| 28" = 10' | Proposed Right-of-Way |
| 29" = 10' | Proposed Boundary |
| 30" = 10' | Proposed Lot Line |
| 31" = 10' | Proposed Survey Line |
| 32" = 10' | Proposed Easement |
| 33" = 10' | Proposed Right-of-Way |
| 34" = 10' | Proposed Boundary |
| 35" = 10' | Proposed Lot Line |
| 36" = 10' | Proposed Survey Line |
| 37" = 10' | Proposed Easement |
| 38" = 10' | Proposed Right-of-Way |
| 39" = 10' | Proposed Boundary |
| 40" = 10' | Proposed Lot Line |
| 41" = 10' | Proposed Survey Line |
| 42" = 10' | Proposed Easement |
| 43" = 10' | Proposed Right-of-Way |
| 44" = 10' | Proposed Boundary |
| 45" = 10' | Proposed Lot Line |
| 46" = 10' | Proposed Survey Line |
| 47" = 10' | Proposed Easement |
| 48" = 10' | Proposed Right-of-Way |
| 49" = 10' | Proposed Boundary |
| 50" = 10' | Proposed Lot Line |



NOTES / REFERENCES

1. All dimensions are in feet unless otherwise noted.
2. All bearings are true bearings unless otherwise noted.
3. All distances are in feet unless otherwise noted.
4. All areas are in square feet unless otherwise noted.
5. All volumes are in cubic feet unless otherwise noted.
6. All elevations are in feet unless otherwise noted.
7. All bearings and distances are as shown on the plan.
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50. All bearings and distances are as shown on the plan.

GRAPHIC SCALE

1 INCH EQUALS 20 FEET

COMMENT: THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF WATERMAN ENGINEERING COMPANY, L.P. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WATERMAN ENGINEERING COMPANY, L.P.

PLANNING DIRECTOR: DATE

ZONING OFFICER: DATE

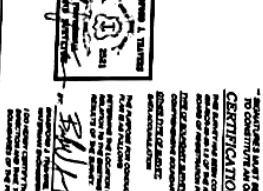
RECORDING CERTIFICATION:

DATE: 11/11/11

PROJECT: 11/11/11

DATE: 11/11/11

PROJECT: 11/11/11



CERTIFICATION:

I, the undersigned, being a duly Licensed Professional Engineer in the State of Texas, do hereby certify that the above described project is in accordance with the applicable laws, rules, and regulations of the State of Texas and the City of [City Name], and that the same are correct and true to the best of my knowledge and belief.

DATE: 11/11/11

PROJECT: 11/11/11

Waterman ENGINEERING COMPANY, L.P.

11111 Main Street, Suite 1111, Dallas, Texas 75241

Phone: (214) 111-1111

Fax: (214) 111-1111

www.watermaneng.com

ABUTTERS LIST
 1 GROVE AVE
 106-8-7

| PARCEL ID | OWNERS NAME | OWNERS ADDRESS | CITY, STATE, ZIP CODE | LOCATION |
|---------------|---|----------------------|---------------------------|---------------------|
| 106-05-012.00 | SACRED HEART CHURCH | 118 TAUNTON AVE | E PROVIDENCE, RI 02914 | 116-118 TAUNTON AVE |
| 106-06-014.00 | SZETO, AI RONG | 7 CALUMET ST | QUINCY, MA 02170 | 122-126 TAUNTON AVE |
| 106-06-015.00 | MENDES PROPERTIES LLC | 138 TAUNTON AVE | E PROVIDENCE, RI 02914 | 130-152 TAUNTON AVE |
| 106-06-016.00 | DC PROPERTIES LLC | 160 TAUNTON AVE | EAST PROVIDENCE, RI 02914 | 156-160 TAUNTON AVE |
| 106-08-004.00 | U S GOVERNMENT & GROVE AVE POST OFFICE | 181 CORLISS ST | PROVIDENCE, RI 02904 | 0 GROVE AVE |
| 106-08-005.00 | U S GOVERNMENT & US POSTAL SERVICE | 24 CORLISS ST RM 222 | PROVIDENCE, RI 02904 | 17 GROVE AVE |
| 106-08-006.00 | GROVE AVENUE ASSOCIATES, LLC | 29 WHELDON AVE | E PROVIDENCE, RI 02914 | 9 GROVE AVE |
| 106-08-007.00 | GROVE AVENUE ASSOCIATES, LLC | 29 WHELDEN ST | E PROVIDENCE, RI 02914 | 1 GROVE AVE |
| 106-08-008.00 | GIB REALTY INC | 400 WARREN AVE FL 1 | EAST PROVIDENCE, RI 02914 | 75 PURCHASE ST |
| 106-08-009.00 | ARAUJO, LUIS | 56 ORCHARD ST | EAST PROVIDENCE, RI 02914 | 56 ORCHARD ST |
| 106-08-010.00 | PAIVA, JOAO C | 60 ORCHARD ST | E PROVIDENCE, RI 02914 | 60 ORCHARD ST |
| 106-08-011.00 | ROGERS, JOHN B | 48 CAMPBELL AVE | RUMFORD, RI 02916 | 62 ORCHARD ST |
| 106-09-001.00 | SACRED HEART CHURCH | 118 TAUNTON AVE | E PROVIDENCE, RI 02914 | 56 PURCHASE ST |
| 106-09-014.00 | LOCKHART, TODD | 34 ORCHARD ST | East Providence, RI 02914 | 34 ORCHARD ST |
| 106-09-015.00 | LOPES, ERMELINDA ROSA & RESENDE, NELSON & JAMES & BARROS, ODAIR | 38 ORCHARD ST | East Providence, RI 02914 | 38 ORCHARD ST |
| 106-09-016.00 | OGARA, WILLIAM | 40 ORCHARD ST | EAST PROVIDENCE, RI 02914 | 40 ORCHARD ST |
| 106-09-017.00 | RACETO, GIULIO R | 42-44 ORCHARD ST | E PROVIDENCE, RI 02914 | 42-44 ORCHARD ST |
| 206-05-001.00 | CITY OF E PROVIDENCE | 145 TAUNTON AVE | E PROVIDENCE, RI 02914 | 145 TAUNTON AVE |

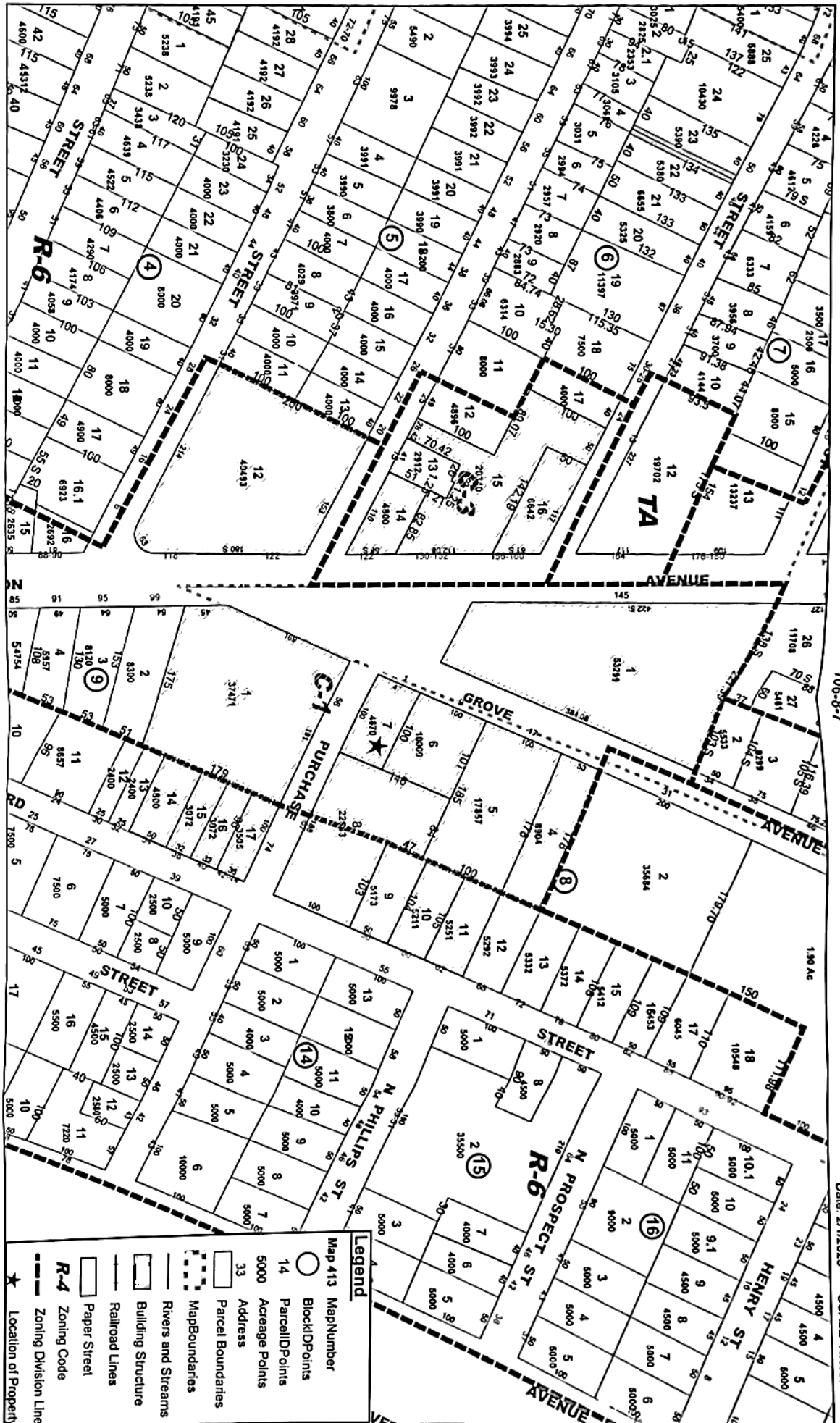
ABUTTERS LIST
 9 GROVE AVENUE
 106-8-6

| PARCEL ID | OWNERS NAME | OWNERS NAME | CITY, STATE, ZIP CODE | LOCATION |
|---------------|---|----------------------|---------------------------|---------------------|
| 106-06-014.00 | SZETO, AI RONG | 7 CALUMET ST | QUINCY, MA 02170 | 122-126 TAUNTON AVE |
| 106-06-015.00 | MENDES PROPERTIES LLC | 138 TAUNTON AVE | E PROVIDENCE, RI 02914 | 130-152 TAUNTON AVE |
| 106-06-016.00 | DC PROPERTIES LLC | 160 TAUNTON AVE | EAST PROVIDENCE, RI 02914 | 156-160 TAUNTON AVE |
| 106-08-002.00 | CITY OF E PROVIDENCE | 145 TAUNTON AVE | EAST PROVIDENCE, RI 02914 | 31 GROVE AVE |
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| 106-08-011.00 | ROGERS, JOHN B | 48 CAMPBELL AVE | RUMFORD, RI 02916 | 62 ORCHARD ST |
| 106-08-012.00 | DESOUZA, PAULO P & MARIA M | 183 WARREN AVE | EAST PROVIDENCE, RI 02914 | 66-68 ORCHARD ST |
| 106-08-013.00 | MEDeiros, JAMES R-TR MEDEIROS FAMILY TRUST | 76 ORCHARD ST | EAST PROVIDENCE, RI 02914 | 72 ORCHARD ST |
| 106-09-001.00 | SACRED HEART CHURCH | 118 TAUNTON AVE | E PROVIDENCE, RI 02914 | 56 PURCHASE ST |
| 106-09-015.00 | LOPES, ERMELINDA ROSA & RESENDE, NELSON & JAMES & BARROS, ODAIR | 38 ORCHARD ST | East Providence, RI 02914 | 38 ORCHARD ST |
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| 106-09-017.00 | RACETO, GIULIO R | 42-44 ORCHARD ST | E PROVIDENCE, RI 02914 | 42-44 ORCHARD ST |
| 206-05-001.00 | CITY OF E PROVIDENCE | 145 TAUNTON AVE | E PROVIDENCE, RI 02914 | 145 TAUNTON AVE |



200' RADIUS MAP
1 Grove Avenue
106-8-7

Date: 2/1/2023 SCALE=N.T.S.



Legend

- Map 413 Map Number
- BlockIDPoints
- 14 ParcelIDPoints
- 5000 Acreage Points
- 33 Address
- Parcel Boundaries
- MapBoundaries
- Rivers and Streams
- Building Structure
- Railroad Lines
- Paper Street
- R-4 Zoning Code
- Zoning Division Line
- ★ Location of Property

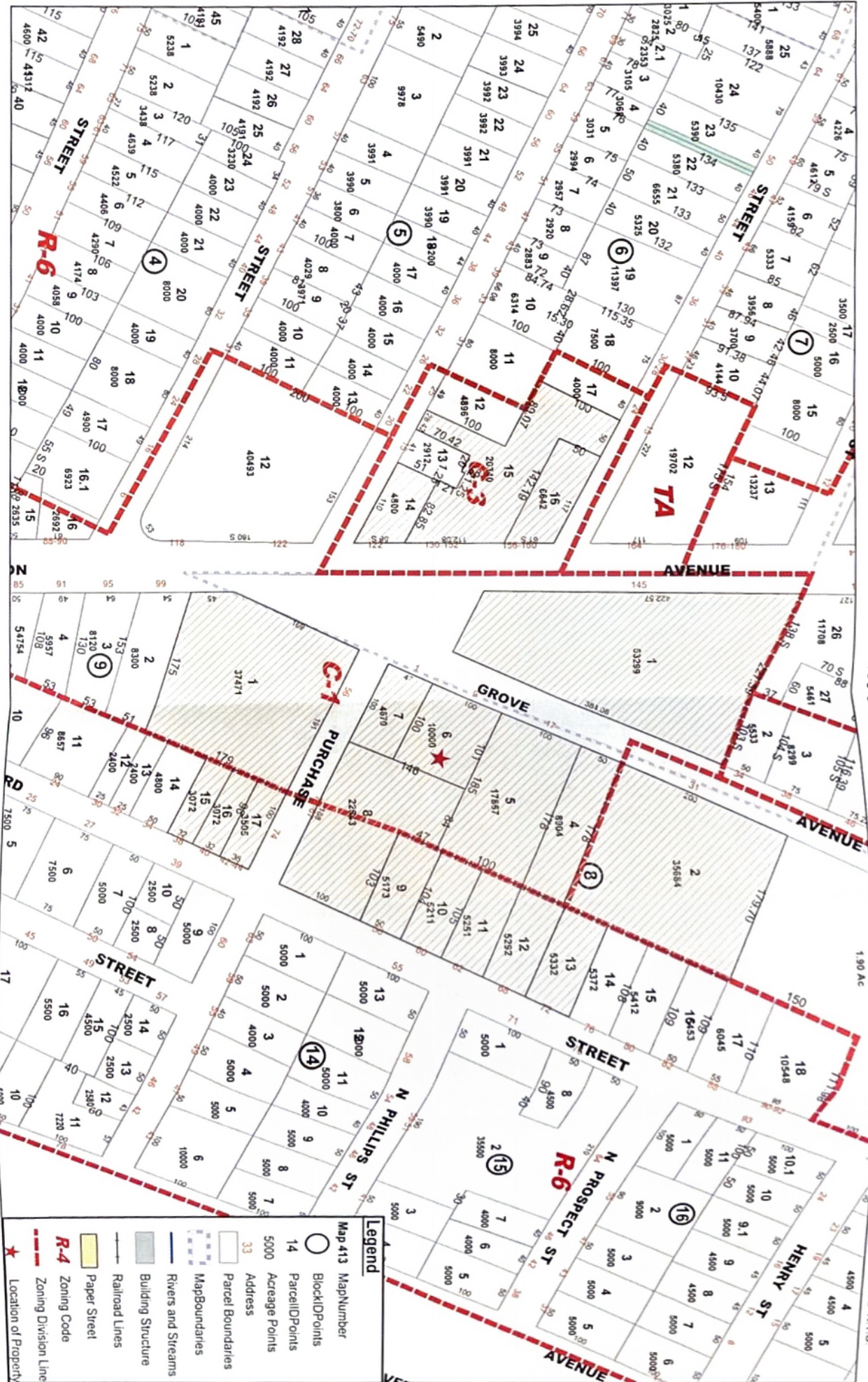


200' RADIUS MAP

9 Grove Avenue
106-8-6

Date: 2/1/2023

SCALE=N.T.S.



Legend

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