

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

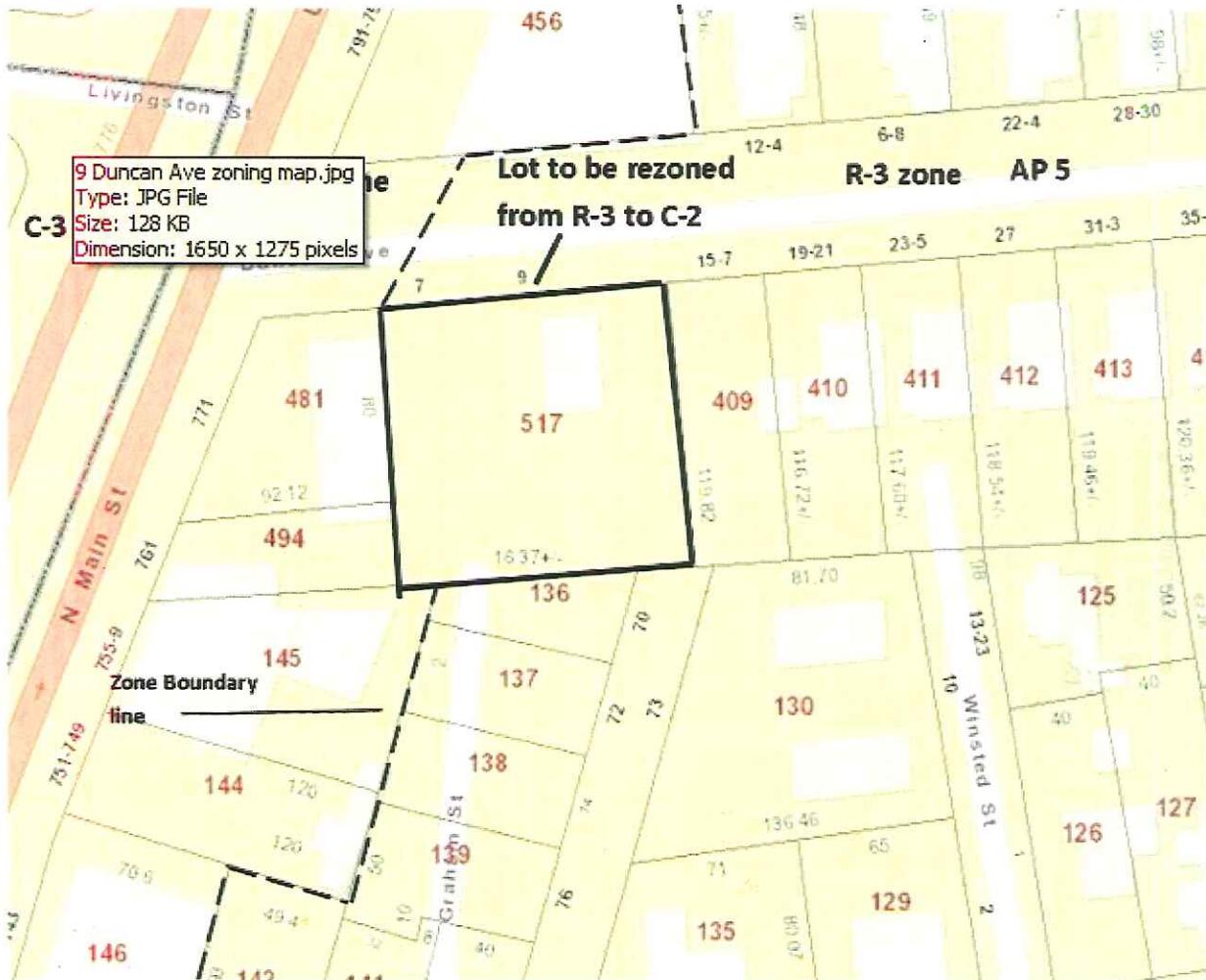
CHAPTER 2016-30

No. 315 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE", APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICT DESIGNATION OF PLAT 5, LOT 517 (9 DUNCAN AVENUE) FROM R-3 TO C-2

Approved August 3, 2016

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved November 24, 2014, as amended, is hereby further amended to change the zoning district designation of Plat 5, Lot 517 (9 Duncan Avenue) from R-3 to C-2, as shown on the accompanying map.



SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUL 21 2016
FIRST READING
READ AND PASSED

[Signature]
CLERK

IN CITY COUNCIL
AUG 02 2016
FINAL READING
READ AND PASSED

[Signature]
PRESIDENT
[Signature]
CLERK

I HEREBY APPROVE.

[Signature]
Mayer
Date: 8/3/16



City Plan Commission
Jorge G. Elorza, Mayor

May 26, 2016

Councilman Terrence M. Hassett
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Lori Hagen, City Clerk

Re: Referral 3404-Petition to rezone AP 5 Lot 517 (9 Duncan Ave) from R-3 to C-2

Petitioner: Aaron Jungels

Dear Councilman Hassett:

The City Plan Commission (CPC) reviewed the proposed zoning change to rezone the property at 9 Duncan Ave from R-3 to C-2 at a regular meeting on May 17, 2016. The applicant currently operates a dance studio on the site. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved.

FINDINGS OF FACT

The applicant is proposing to rezone AP 5 Lot 517 at 9 Duncan Avenue from R-3 to C-2. The applicant currently uses the site as a dance studio and is proposing to continue the use. This portion of North Main Street is primarily composed of commercial development set against residences at the rear.

As the C-2 zone is directly adjacent to residential development, the CPC found that inclusion of the lot within the C-2 zone is not expected to have a negative effect on neighborhood character. The subject lot has operated as a performing arts center adjacent to a residential zone for a number of years. The CPC found that expansion of the C-2 zone may not have a negative effect on surrounding property as the activity on the lot would be similar to other activity along the length of North Main Street.

Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended to be one where commercial and residential uses are located in proximity to each other. The property is located in an area where neighborhood commercial development is intended alongside medium density residential development. Therefore, the CPC found that rezoning would be consistent with the intent of the comprehensive plan.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

Recommendation of Approval for
zone change at 9 Duncan Ave from R-3 to C-2
Referral 3404
5/23/16

2

The CPC found that rezoning this area would be appropriate given the character of the surroundings and that it was not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

RECOMMENDATION

Based on the foregoing discussion, the CPC voted unanimously to make a recommendation that the City Council approve the proposed Zone Change.

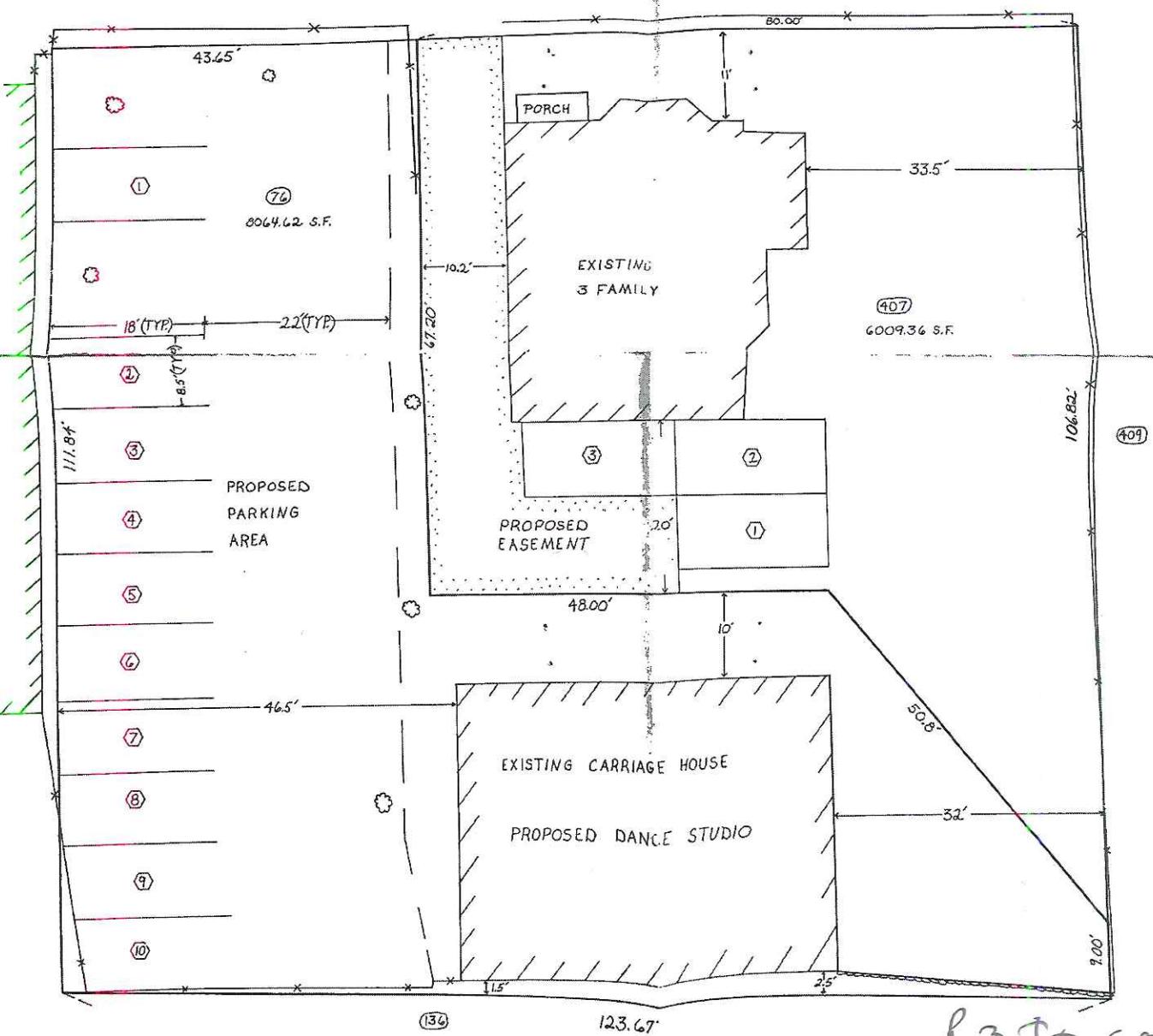
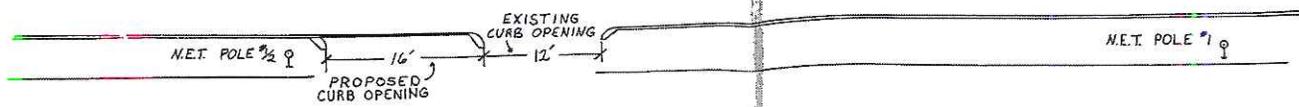
Sincerely,


Choyon Manjrekar
Administrative Officer

cc: Aaron Jungels



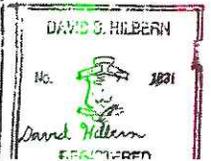
DUNCAN AVENUE



PLOT PLAN

9 DUNCAN AVENUE PROVIDENCE RI
SCALE: 1"=10' DATE: 12-8-90
PREPARED BY: HILBERN LAND SURVEYORS
P.O. BOX 487 WAKEFIELD, RI 02880

R3 TO C2
Plat 5
Lot 517



SANDRA L. CARLSON
Chairman



VINCENT A. CIANCI, JR.
Mayor

Zoning Board of Review

"Building Pride In Providence"

September 18, 1991

RESOLUTION NO. 7380 - A

Robert and Dorothy Jungels
Duncan Avenue Arts Collaborative
349 Hope Street
Providence, RI 02906

Dear Sir & Madam:

At a meeting of the Zoning Board of Review held on Monday, September 16, 1991, the following Resolution was adopted:

WHEREAS, Robert and Dorothy Jungels and the Duncan Avenue Arts Collaborative (collectively the "Applicant") of Lots 76 and 407 on Assessor's Plat 5, at 7 and 9 Duncan Avenue, filed an application for permission to be relieved from Sections 43-A, 43-C-3 and 43-C-5 under Sections 91 & 92 of the Zoning Ordinance of the City of Providence, in connection with the proposed subtraction of 3,100 square feet of land, containing a carriage house, from lot 407 and adding it to lot 76, and the proposed use of the new lot 76 for a theatre and dance school to be located in the existing Carriage House, together with accessory parking; with lot 407 to remain with 6,002 square feet of land and a three-family dwelling; and whereas, the property is located partly in an R-3 and partly in a C-4 zone; and

WHEREAS, Robert Jungels, filed a letter with the Zoning Board of Review dated September 4, 1991, requesting an extension of Resolution No. 7380 for a period of six (6) months in accordance with Section 92-A of the Zoning Ordinance.

RESOLVED: That the Zoning Board of Review does hereby grant Robert Jungels an extension of Resolution No. 7380 for a period of six (6) months from the expiration date of Resolution No. 7380.

By Order of the Zoning Board of Review.


SANDRA L. CARLSON, CHAIRMAN

SLC/rr

60 Eddy Street • Providence, Rhode Island 02903 • (401) 421-7740

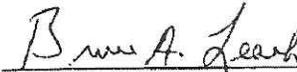
application by Peter Scotti, a recognized real estate expert; and no testimony was given in opposition to the application;

NOW, THEREFORE, after consideration of the application, the testimony of the witnesses in favor of the application, the uncontradicted testimony of the real estate expert, and 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 Applicants will suffer a hardship if the relief sought is not granted, due to the unsuitability of the Carriage House for any use otherwise permitted in the R-3 Zone, due to the size of the Carriage House and its proximity to the C-4 Zone North Main Street commercial area and due to the topography of the site and of the neighboring site to the rear.
2. There will be no substantial nor permanent injury to the appropriate use of neighboring property, due to the longstanding presence of the Carriage House and the commercial nature of almost all of Lot 76 and the entire area to the west of the Property. The Board does not find convincing the recommendation of the Department of Planning and Development, since it did not adequately consider either the cultural benefits of the proposed use or the proximity of the C-4 Zone.
3. The public convenience and welfare will be substantially served due to the rehabilitation of this vacant structure, and the provision of cultural services to the neighborhood in particular, and to the City of Providence and the State of Rhode Island in general.

IT IS THEREFORE RESOLVED that the Zoning Board of Review, based upon the foregoing findings of fact, does hereby grant the request for a variance from Sections 43-A, 43-C-3 and 43-C-5 under Sections 91 and 92 of the Zoning Ordinance and does hereby grant the application, substantially in accordance with the plans filed with the Board. 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 Applicants or their representative.

By Order of the Zoning Board of Review.



BRUCE A. LEACH, ACTING CHAIRMAN

SLC/rr
cc Andrew M. Teitz, Esq.

ATTENTION: SECTION 92A UNDER THE ZONING ORDINANCE REQUIRES THAT ANY VARIANCE OR SPECIAL EXCEPTION GRANTED BY SAID BOARD SHALL EXPIRE BY LIMITATION WITHIN SIX MONTHS FROM THE DATE THE SAME IS GRANTED UNLESS THE APPLICANT SHALL WITHIN SAID PERIOD EXERCISE THE RIGHT GRANTED BY SAID DECISION OR RECEIVE A BUILDING PERMIT FROM THE DEPARTMENT OF INSPECTION AND STANDARDS.

9 duncan avenue

