

broadwn2

RESOLUTION OF THE CITY COUNCIL

*No.*120

Approved February 28, 1999

WHEREAS, George Daher and Abraham A. El-Hawi (hereinafter collectively "Petitioner") is the owner of a gasoline station located at 392 Broadway, Providence, Rhode Island; and

WHEREAS, Petitioner seeks to replace certain underground storage tanks, to enlarge storage capacity to fifteen thousand (15,000) gallons, and to undertake other construction in order to modernize the station and to meet federally mandated vapor recovery regulations,

NOW, THEREFORE, BE IT RESOLVED that Petitioner is authorized to remove, replace and enlarge the underground gasoline storage to fifteen thousand (15,000) gallons and to undertake the construction of the required vapor recovery system and the improvements listed in its application of 30 June 1994, provided, however:

1. That all construction is undertaken consistent with the plans presented to the City Council Committee on Public Works and the Department of Inspection and Standards as those plans may be modified by the Department of Inspection and Standards.

2. Petitioner shall perform any remediation of environmental damage at or originating at the situs of the station as determined by appropriate governmental bodies which is necessary so as to satisfy the legal requirements of any governmental body or agency.

3. In the event that the construction requires obstruction or displacement of the public way, Petitioner shall obtain the necessary permits, execute an indemnification and hold harmless agreement satisfactory to the City Solicitor and shall provide insurance (or, if self-insured, a certificate of financial responsibility) in an amount of not less than one hundred thousand dollars (\$100,000.00) listing the City of Providence, its agents, officers, servants, employees, and assigns as additional named insureds. Such policy shall be acceptable to the City Solicitor.

4. Petitioner does agree that by undertaking any construction pursuant to this Resolution, all statements or representation(s) made to any

THE COMMITTEE ON
Gullie Stark
Recommends P.H.
Barbara A. Corwin
1/6/99
P.H. held. Petitioner
did not show
Clerk

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution
Barbara A. Corwin
2/10/99
Clerk
P. H. Held 2/9/99

municipal body or department are made a part of this Resolution and any authorization granted hereunder are specifically conditioned upon compliance with said statement(s) and representation(s).

5. Such other conditions as His Honor, the Mayor; and the City Solicitor may impose thereon.

IN CITY COUNCIL

FEB 18 1999
READ AND PASSED

John Lombardi

PRES.

Michael S. Clement

CLERK

APPROVED

FEB 28 1999

Vincent A. Cianci

MAYOR

APPLICATION FOR FUEL DISPENSING PERMIT

Permit No. _____ By _____ Date _____

To the Director of the Department of Inspection & Standards:

1. Building District 13th Ward
2. Street Location 392 BROADWAY
3. Plat 32 Lot 7
4. Owner GEORGE DAHER
5. New _____ Existing
6. Number of Buildings ONE
7. Number of Curb Cuts THREE Width 22' ±
8. Drawings Accompanying Application YES
9. Number of Pumps Now on Premises TWO
10. Number of Additional Pumps N/A
11. Total Pumps on Lot TWO
12. Capacity of Tanks (existing) 9,000 gal
13. Capacity of Additional Tanks 6,000 gal
14. Total Capacity on Lot 15,000 gal
15. Is Fuel or Oil to Be Sold? FUEL
16. Zoning District RP
17. Estimated Cost \$

Approved: *John Hartung, Jr.*
Commissioner of Public Safety

Approved: *Steno Jesta*
Traffic Engineer

Approved: *[Signature]* - 12/17/98
Director of Public Works

Approved: *Ranji J. Joga*
Director of the Department of
Inspection and Standards

REMARKS
REFER TO ZONING BOARD RES # 8234
(10-5-98)

GEORGE DAHER & ABRAHAM A. EL-HAWI
Owner's Name

392 BROADWAY
Address

Agent's Name

Agent's Address

(401) 453-2200
Telephone Number

FILED

DEC 17 3 16 PM '98

DEPT. OF CLERK
PROVIDENCE, R.I.

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution

Barbara A. Coerin
2/10/99 Clerk

THE COMMITTEE ON

Callie Stark
Recommends D. H.
Barbara A. Coerin
1/6/99 Clerk

S. H. Ladd Petitioner S. H. Ladd 2/9/99
did not show



Zoning Board of Review

October 5, 1998

RESOLUTION NO. 8234

George Daher and Abraham A. El-Hawi
392 Broadway
Providence, RI 02909

Gentlemen:

At a meeting of the Zoning Board of Review held on Tuesday, September 8, 1998, the following Resolution was adopted:

WHEREAS, George Daher and Abraham A. El-Hawi the ("Owners") of Lot 7 on Assessor's Plat 32 (392 Broadway) (the "Parcel") in a R-P Residential Professional Zone and Broadway Historic District; filed an application to be relieved from Sections 303-use codes 45 & 59, 409.4(B) and 409.5 pursuant to Section 200 in the proposed increase in underground gasoline storage from 10,000 to 15,000 gallons. Further proposed is a new 24' x 36' canopy above the pump island and the sale of used automobiles. The applicant seeks relief from regulations governing permitted uses, whereby, the service station cannot expand within the R-p district without Board approval. Further relief is sought from the curb-line setback for the canopy and the setback for the underground tanks. The lot in question contains approximately 8,057 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, September 8, 1998, a public hearing was held on this application by the Zoning Board of Review after public notice as set forth by the Zoning Ordinance at which time the Applicant amended his Application to delete Section 303-use code 59, the sales of used automobiles from his request; and

WHEREAS, at the public hearing, one of the Applicants, Mr. George Daher, testified that he would not sell any kind of automobiles at or near his location. The Applicant further stated that he needs the additional 6,000 gallons of underground gasoline storage because he often runs out of gas. Present underground storage is only 9,000 gallons. Further testimony indicated that federal law requires that all underground steel/metal tanks must be removed by January 1, 1999 and may be replaced with fiberglass tanks. The Applicant stated that the new tanks would be placed in the same locations as the existing tanks and there will be no physical change in the Property or the surrounding properties as a result of the replacement of the tanks. Mr. Daher further stated that his competitor, a gasoline service station across the street from him, also on Broadway, had recently replaced its tanks with larger underground gasoline storage tanks. The Applicant said that his business would be hurt if the additional gallonage were not approved. He stated that the new canopy, which is a part of the request, would protect the customers and service station staff from the weather and to the best of his knowledge 99 % of all service stations have canopy's for protection. He felt that his business would be hurt if the canopy were to be denied. Mr. Daher also stated that the Providence Historic District Commission (the "PHDC") had given conditional approval to the proposed canopy. The Board notes here that the PHDC in its approval dated February 2, 1996 under its Resolution No. 96-2 considers the subject site as not being a contributing building to the Broadway Historic District and has little architectural and historic significance.

Mr. Daher also stated that current law does not require a fire-suppression system for a full service gasoline station; and

WHEREAS, a recommendation was received from the Department of Planning and Development. The Board has considered said recommendation prior to making a decision herein; and

NOW, THEREFORE, after consideration of the application, the testimony of the Applicant, and having carefully reviewed and considered the same, along with the recommendation of the Department of Planning and Development, the Zoning Board of Review makes the following findings of fact:

1. The Board finds that the Owners will suffer an undue hardship if the relief sought is not granted, due to its location on a busy thoroughfare which requires additional gasoline storage in order to meet the public convenience. Testimony established that the service station runs out of gasoline and customers are turned away which is an inconvenience.
2. The Board finds that the proposed variance is the least relief possible to alleviate the hardship and by granting the Application, the only noticeable difference in the Property will be the canopy and the design of the canopy has been closely scrutinized by the Providence Historic District Commission, whose charge is to help retain the historic integrity of our neighborhoods.
3. The Board finds that the hardship is not caused by any prior action of the Owners, but rather by the unusually small size of the Parcel used as a gasoline service station.
4. The Board further finds that the public convenience and welfare would be served by providing the canopy and the additional gallonage.

RESOLVED: That the Zoning Board of Review, based upon the above findings of fact, does hereby grant a variance concerning Sections 303-use code 45, 409.4(B) and 409.5 pursuant to Sections 200 and 902 of the Zoning Ordinance and as per the amended Application deleting the sales of used automobiles. 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 Owners or their representative.

By Order of the Zoning Board of Review.

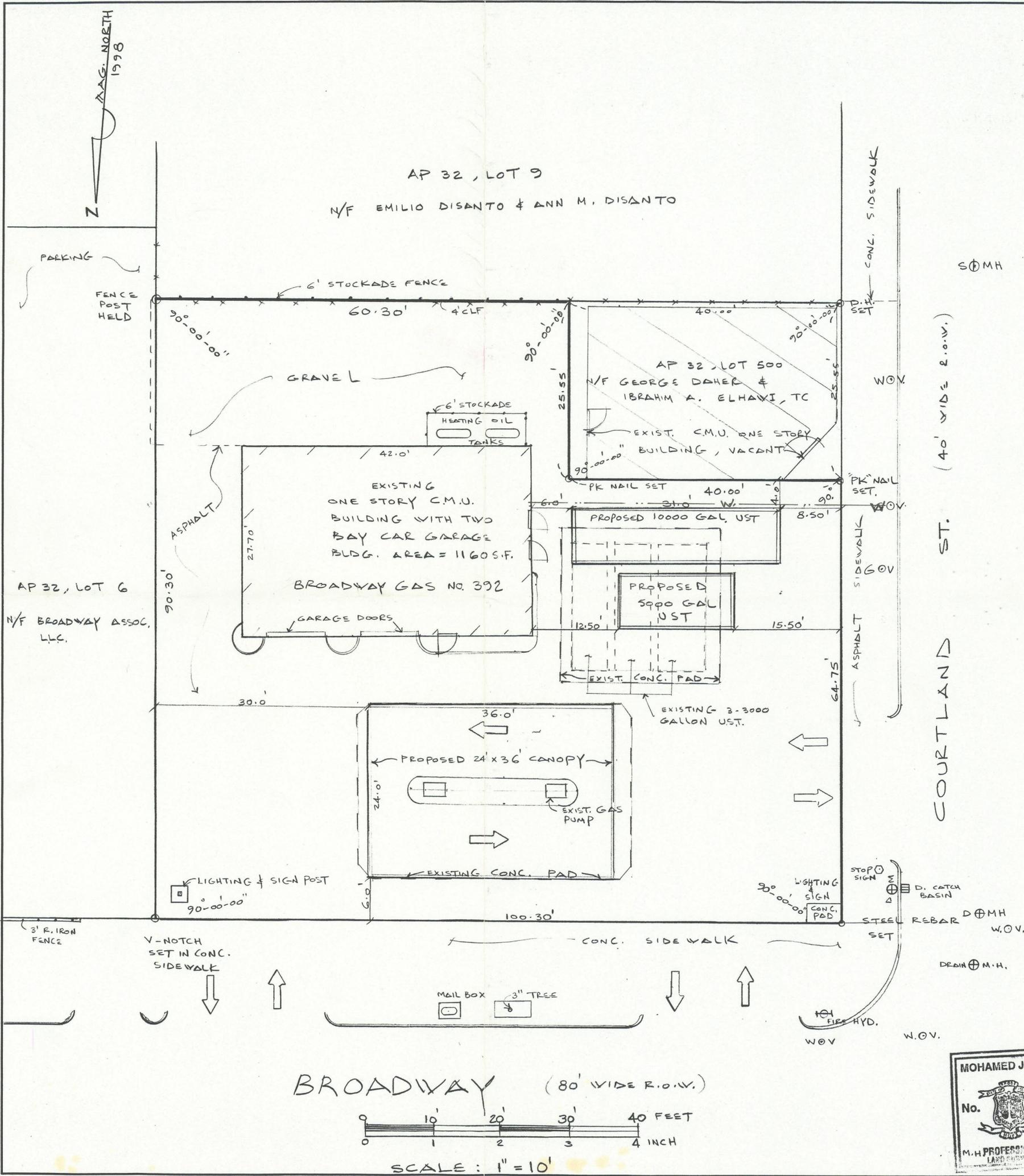

SANDRA L. CARLSON, CHAIRMAN

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.

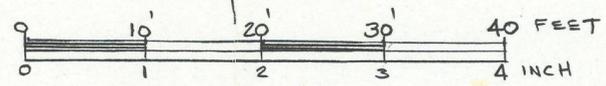
MEMBERS VOTING: CARLSON, CATAURO, LENNON, CASTRO & RICO

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



- BEING A PROPERTY LINE SURVEY OF A.P. 32, LOT 7 LOCATED AT 392 BROADWAY IN THE CITY OF PROV. R.I.
- REFERENCES: RECORDED PLAT NO. 96 ENTITLED "PLAT OF LOTS ON THE WEST SIDE OF THE RIVER BELONGING TO I.H. HOLDEN, PLATTED AUG. 1846"
- THIS PROPERTY LINE SURVEY WAS PREPARED BY AN ACTUAL FIELD SURVEY USING A STEEL TAPE AND A DIGITAL THEODOLITE.
- THIS SURVEY AND PLAN DO SUBSTANTIALLY CONFORM TO CLASS I STANDARDS AS ADOPTED BY THE R.I. BOARD OF REG. FOR PROF. LAND SURVEYORS BY: MOHAMED J. FREIJ P.E., P.L.S. 7-14-98
- ZONING: R.P., H.D. RESIDENTIAL/PROFESSIONAL & HISTORIC DISTRICT.
- ALL UTILITIES ARE APPROXIMATELY LOCATED, IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO VERIFY, PRIOR TO ANY EXCAVATION, ALL EXISTING UNDERGROUND UTILITY LOCATIONS AND MUST CONTACT DIG-SAFE AT 1-888-DIG-SAFE ATLEAST 48 HOURS PRIOR TO THE START OF ANY EXCAVATION.

BROADWAY (80' WIDE R.O.V.)



SCALE: 1" = 10'



PROPERTY LINE SURVEY OF		
A.P. 32, LOT 7, 392 BROADWAY, PROV. R.I.		
SCALE: 1" = 10'	APPROVED BY: MJF ENG. ASSOC.	DRAWN BY: MJF
DATE: 7-13-98	401-739-9748	REVISED:
OWNER: GEORGE DAHER & IBRAHIM A. ELHAVI, TC		
BUSS. NAME: BROADWAY GAS		DRAWING NUMBER: 1

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