

CITY OF CENTRAL FALLS  
DEPARTMENT OF PLANNING +  
ECONOMIC DEVELOPMENT  
STAFF RECOMMENDATION  
TO THE ZONING BOARD



CASE 2017-03-23-1 (396 ROOSEVELT AVE.)



*Summary*

**Application Type:** Use Variance and Dimensional Variance

**Address/AP/Ward:** 396 Roosevelt Ave.  
Assessor's Plat 1, Lot 22  
Ward 1

**Applicant:** Dan Botwinik, 232 West Canton St. #4, Boston, MA

**Property Owner:** 396 Roosevelt LLC, 26 The Fenway, Roslyn Estates, NY

**Parcel Size:** 6,000 square feet

**Zoning:** M-2

### ***Project Description***

The applicant is requesting a Use Variance from the Zoning Ordinance to increase the residential units in the property from its current number of 6 units to 16 residential units. The property is located at 396 Roosevelt Ave. in an M-2 (Heavy Industrial District) Zone with an MBRD (Mill Building Re-use Development District) Overlay Zone and contains 6,000 square feet of land. In addition, the applicant is requesting a Dimensional Variance to decrease off-street parking requirements from 32 spaces to 4 spaces.

The property is a mixed use property and is allowed to have 6 residential units and one commercial unit in accordance with Section 211 of the Central Falls Zoning Ordinance under a Use Variance that was granted on April 27<sup>th</sup>, 2004. Relief was also granted regarding the requirements for off street parking. The existing garage is to provide 4 off street parking spaces at all times.

### ***Discussion***

The request for a use variance is analyzed as follows:

Prior to approval of a use variance, the Board is required to make positive findings on the following standards:

- (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 general characteristics of the surrounding area; and not due to a physical or economic disability of the applicant;*

This building, built to the property lines, features significant height and limited floor plates, making it ideal for residential use, with limited potential for industrial activity. There is no evidence that the requested variance is due to the physical or economic disability of the applicant.

- (2) That said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.*

The applicant has not yet purchased the property and is seeking to redevelop the property in concert with the City of Central Falls' economic development goals. The redevelopment has failed twice and is simply not possible without the requested variance.

- (3) That the granting of the requested variance will not alter the general characteristic of the area or impair the intent or purpose of this zoning ordinance or the comprehensive plan for the city;*

The granting of this use variance will not alter the general character of the surrounding area.

Numerous residential properties exist in the area. As of 2004, the property has been authorized for mixed use featuring commercial and residential uses. The property is located in the Mill Building Re-use Development District (MBRD) Overlay Zone. The MBRD was established in the Central Falls Zoning Ordinance. The purpose of the MBRD is to allow the development of obsolete industrial sites according to a plan for mixed use. This project is in alignment with the goal to redevelop the industrial districts of Central Falls.

Further, this project would align with the intent or purpose of the Zoning Ordinance, as outlined in Article I of the Ordinance:

- (B) “Provide for a range of uses and intensities of use appropriate to the character of the city”

As mentioned above, the project allows for an increase in residential use in a property that is currently mixed-use. The increase of residential units from its current number of 6 units to 16 units is appropriate to the character of the Mill Building Re-use Development District.

- (E) “Provide for the protection of the natural, historic, cultural, and scenic character of the city or areas therein”

This project is located in a three-story, Italianate-style building constructed between 1884 and 1890. The project helps to preserve the aesthetic of the district while repurposing the building for modern functionality.

The bullet points below show how this project is compatible with The Goals and Policies of The Comprehensive Community Plan of the City of Central Falls:

- State Goal 1, “To promote orderly growth and development that recognizes...the availability of existing and proposed public and/or private services and facilities.”

The project features empty space that will be converted into residential units.

- State Goal 1, Municipal Goal 5: “Encourage creative combinations of commercial and residential uses.”
- State Goal 6, “To encourage the use of innovative development regulations and techniques that promote the development of land suitable from development while protecting our natural, cultural, historical and recreational resources and achieving a balanced pattern of land uses.”

This project is located in the Mill Building Re-use Development District (MBRD) Overlay Zone. According to a Use Variance that was granted in 2004, 6 residential units were allowed on the property. The property is mixed used and features 1 commercial unit.

*(1) In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance*

As this redevelopment has failed twice, the property owner(s) clearly are not yielding any beneficial use. Manufacturing of this small scale is largely infeasible in Rhode Island due to larger market forces. The property has sat vacant for several years. The previously approved variances for fewer units created a situation where the redevelopment became infeasible. More smaller units are required in order to make the redevelopment feasible.

The remaining requested dimensional variance is analyzed as follows:

Prior to approval of a dimensional variance, the Board is required to make positive findings on the following standards:

*(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 general characteristics of the surrounding area; and not due to a physical or economic disability of the applicant;*

Unlike neighboring buildings, this property is built to the property line on all four sides. This property has an existing garage with limited parking potential. There is no evidence that the requested variance is due to the physical or economic disability of the applicant.

*(2) That said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.*

The applicant has not yet purchased the property and is seeking to redevelop the property in concert with the City of Central Falls' economic development goals. The redevelopment has failed twice and is simply not possible without the requested variance.

*(3) That the granting of the requested variance will not alter the general characteristic of the area or impair the intent or purpose of this zoning ordinance or the comprehensive plan for the city;*

The project is located in the Mill Building Re-use Development District (MBRD) Overlay Zone. Many of the properties are zoned M-2 (Heavy Industrial), but currently feature mixed-

uses. The Central Falls Zoning Ordinance required the property to have 48 parking spaces. However, the building did not have 48 spaces previously. Residential Use is considered down-zoning, which is a less intensive use than heavy industrial. Substantial on-street parking is available on Roosevelt Ave. and Clay St. Multiple other properties, including residential uses, exist in use with insufficient off-street parking.

The City's Comprehensive Plan contains the following goals and policies that support this application:

State Goal 1: To promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use and the availability of existing and proposed public and/or private services and facilities.

Municipal Goals:

1. Promote orderly development.
5. Encourage creative combinations of commercial and residential uses

This project aligns to both State Goal 1 and Municipal Goal 1-1 and exemplifies Municipal Goal 1-5.

State Goal 3: To promote a balance of housing choices, for all income levels and age groups, which recognizes the affordability of housing as the responsibility of each municipality and the State.

Municipal Goals:

2. Improve the existing housing stock.

By adding additional housing units to the market in Central Falls of a size that is currently under-represented, this will be an exemplary project to meet the primary effort of State Goal 3. This project will provide quality, newly renovated housing stock to improve average conditions in the city.

*(4) That the relief to be granted is the least relief necessary.*

Due to the layout of the existing building and its status as a twice-failed redevelopment, this is the least relief necessary to allow the Property Owner to receive beneficial use from the property.

In addition, the Board shall require that evidence [be] entered into the record...showing that:

*(1) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property.*

In the opinion of the department, this amounts to more than an inconvenience due to the previous failures to redevelop this property.

***Recommendation***

Based on the above discussion, staff believes that all standards have been met and recommends that the requested Use Variance and Dimensional Variance be granted.



Peter Friedrichs  
Director, Planning and Economic Development

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