

**Amendment to Application
For Unified Development Review Major Land
Development with associated Dimensional Variance**

Owner: BJK Realty LLC
Location: 1600 Flat River Road (AP 60, L 12)

RIGL § 45-24-41. General provisions- Variances (d)(1) states: "That the hardship from which applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, except those physical disabilities addressed in § 45-24-30 (a)(16).

The hardship is due to the unique characteristics of the subject lot of record and not due to the general characteristics of the surrounding area nor due to a physical or economic disability of the applicant. The adjacent lot on the west side of the property (AP 60, Lot 11) contains multiple commercial buildings with its only access through an easement on the subject property. This easement needs to remain free from structures and interference because it serves those abutting buildings often require large trucks to service its business. These trucks require a large turnaround area, and the access needs to be free and clear for adequate emergency vehicles.

Further, the area of the subject property adjacent to the street and next to the current existing commercial building located on the property is used for the operation of the existing commercial business where it stores necessary materials and deliveries. Placing a building in that location will interfere with that building's operation. As a result, the unique characteristics of this lot creates the hardship from which the applicant seeks relief.

RIGL § General Provisions- Variances (d) (2) states "That said hardship is not the result of any prior action of the applicant.

The hardship is not the result of any prior action of the applicant. The hardship is due to the existing conditions and approved uses of the lot. The existing commercial buildings on the abutting lot were approved with the only access to those through an easement on the subject property. Both the subject lot and the abutting lot with the easement buildings existed prior to applicant's ownership.

RIGL § 45-24-41 General provisions- variances. (d) (3) states, " That the granting of the requested variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of this zoning ordinance or the comprehensive plan of the City;

The general character of the surrounding area is commercial to the west and northwest, which the proposed building, if approved will fit into with the character of that area. The proposed building will have all of its entrances in the front of the building facing the industrial abutting property. All the activity and ingress and egress to the proposed building has been designed to be in the front so as minimize the impacts and views to the abutting properties to the north and east

of the property which are residential, and to the south which is where the Coventry Greenway is located. The proposed structure's building's exterior where there are no windows and only an emergency door for emergency purposes will face the residential abutting properties so there will be no activity in the back of the building that will alter the character of the residential character of the residential area. In addition, the side of the proposed building which will face the Coventry Greenway which again will have no activity from the building. In addition, on both the back and side, the Applicant is proposing a detailed landscaping plan so that the proposed building will have limited if no impact on the surrounding area.

Even though the applicant is seeking dimensional relief from the residential areas, the applicant will be improving the buffer area between the proposed building and the residential property. It will clean up the area of debris and the landscaping will have additional plantings compared to what is currently there. This will provide better screening between the subject property and its abutters to the north and east. The design of the proposed building and the planting and lighting scheme will also minimize the impacts to those abutting properties. The requested relief from the residential area will, if granted with the additional screening will not alter the general character of the area and will in fact enhance and maintain the general character of the neighborhood.

The purposes of the zoning ordinance the applicant is seeking relief from will not be altered by the subject proposal but will in fact enhance the purposes of the code because it will provide better screening between the residential and industrial areas as noted above.

RIGL § 45-24-41. General provisions – Variances. (d)(4) states “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, meaning relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. That fact that the use may be more profitable or that a structure may be more valuable after relief is granted shall not be grounds for relief. The zoning board of review or the [planning board] in unified development review, has the power to grant dimensional variances where the use is permitted by special-use permit.”

Without the relief sought, the hardship that will be suffered by the owner of the subject property will amount to more than a mere inconvenience and the owner will not be able to reasonably enjoy the permitted use of its property. The proposed variances needed to construct the general warehousing and storage building will allow the applicant to reasonably enjoy its property's permitted use while maintaining the general characteristics of the surrounding area. The relief sought is minimal for the applicant to reasonably enjoy its property.