

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

Filed January 30, 2008

SUPERIOR COURT

THOMAS A. PALANGIO

:

v.

:

P.C. No. 07-0114

:

THE CITY OF PROVIDENCE, THE
CITY OF PROVIDENCE THROUGH
STEPHEN NAPOLITANO, ITS
TREASURER, THOMAS DELLER IN
HIS OFFICIAL CAPACITY AS THE
DIRECTOR OF THE DEPARTMENT
OF PLANNING

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AMENDED DECISION

INDEGLIA, J. This Amended Decision is being filed to amend the Decision filed on January 25, 2008 as follows:

1. As this is a consolidated case, the title of the case is amended to read as follows:

**RICHARD JESSUP, JR. and
KAREN JESSUP**

Plaintiffs

v.

C.A. No. PC 07-3225

**THOMAS A. PALANGIO and the
MEMBERS OF THE PROVIDENCE
ZONING BOARD OF REVIEW,
JOHN KELLY, CHAIRMAN, et al.**

Defendants

THOMAS A. PALANGIO
Plaintiff

v.

C.A. No. PC 07-0114

THE CITY OF PROVIDENCE, , et al
Defendants

THOMAS A. PALANGIO
Plaintiff

v.

C.A. No. PC 07-3177

THE CITY OF PROVIDENCE, , et al
Defendants

2. In light of the within Decision, the relief sought and the matters contained in PC 07-3225 and PC 07-3177 are rendered moot.

3. On page 11, the last paragraph, the language is to read as follows:

Finally, Section 902.3 (A) (4) requires that the grant of a dimensional variance be predicated upon relief which is the “least relief necessary.” This Court notes **real estate expert Peter Scotti’s** hearing testimony. **Mr. Scotti** observed that

[t]he Applicant wants to have a conforming use in this zone. He’s not planning to change the structure. He’s not planning to expand the structure. He’s merely planning to use the structure in accord with the zoning of a single-family zone. I don’t see how doing that is going to have any impact on surrounding properties. He couldn’t ask for any less relief than what he is asking for. (Feb. 27, 2007 Tr. at 43-44.)

The remaining contents of the original decision filed on January 25, 2008 remain the same.