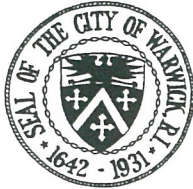


ROBERT E. FRASER
CHAIRMAN



SCOTT AVEDISIAN
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 738-2000

June 25, 2003

COPY

Harold Smith
140 Reservoir Avenue
Cranston, RI

Dear Mr. Smith:

The following is the decision on your Petition #8806, heard by the Warwick Zoning Board of Review on May 13, 2003 for a request for a variance/special use permit to construct a 24' x 40' single-family dwelling on an undersized non-conforming lot, proposed dwelling having less than required front yard, side street and side yard setbacks, northerly corner of Custer Street & Haswill Street (property to right of 240 Custer Street), Warwick, RI, Assessor's Plat 361, Lot 137, zoned Residential A-40.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Zoning Board of Review of the City of Warwick taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That subject property is known as Assessor's Plat 361, Lot 137, containing approximately 4,252 square feet of land, more or less, zoned Residential A-40.
2. That petitioner has owned the subject property approximately 32 years.
3. The subject property is a vacant undersized non-conforming unimproved parcel of land.
4. The proposal is to construct a 24' x 40' single-family dwelling on the subject property. The proposed dwelling would not conform to the front street and side street setbacks and side yard setbacks. The proposed dwelling would be 10' from the property line on Haswill Street and 22' from the side street (Custer Street). The proposed side yard

setbacks are 9' and 20'. The subject property does not conform to the frontage, width or area requirements of the ordinance

5. Relief is sought from every requirement in contained in the ordinance for a single-family dwelling in a Residential A-40 district. The subject property did not conform to the former Residential A-7 requirements either.
6. The petitioner's attorney stated that the property is a substandard lot of record and that no merger with any adjoining property has ever occurred.
7. The petitioner's attorney presented an expert witness in real estate who stated that the proposed use was the highest and best use of the subject property.
8. There were several neighbors present at the public hearing in opposition to the petition.
9. The area surrounding the subject property consists of all single-family dwellings. The majority of the homes in the area are on lots much larger than the proposed.

Based on the foregoing, the Board unanimously DENIES petitioner's application for a variance. (Robert Fraser voted to deny, Frederick Newton voted to deny, Joseph Conneally voted to deny, Rev. Howard Olsen voted to deny and Donald Morash voted to deny.)

As to the variance requested:

1. The hardship from which the petitioner seeks relief is not due to the unique characteristics of the subject land or structure but due to the general characteristics of the surrounding area. The petitioner purchased the subject property knowing that it was an undersized non-conforming lot.
2. Said hardship is the result of prior action of the applicant and does result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variance will alter the general characteristic of the surrounding area and impair the intent or purpose of this zoning ordinance and the comprehensive plan of the City. The proposed dwelling would not be in keeping with the character of the surrounding area. The City of Warwick changed the zoning in the area to control the impact of the development of undersized lots on the areas affected.
4. The relief requested is not the least relief necessary. Relief is sought from every section contained within the Zoning Ordinance.

This petition is DENIED by the Board.

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

A handwritten signature in cursive script that reads "Robert E. Fraser". The signature is written in dark ink and is positioned above the printed name and title.

Robert E. Fraser, Chairman
Warwick Zoning Board of Review

REF:cc

c. Pasquale Scavitti, Esq.
Paul McCarthy, Esq.