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CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 921-9534

RECEIVED
WARWICK ZONING BOARD OF REVIEW
OCT 24 2023

PETITION NO. 10947

City of Warwick
ZONING BOARD OF REVIEW

Application for Special Use Permit, Variance, or Appeal

Date October 24 20 23

The undersigned hereby applies to the Warwick Zoning Board of Review for the following:

- SPECIAL USE PERMIT
- VARIANCE
- APPEAL
- AMENDMENT TO A PREVIOUSLY GRANTED RESOLUTION

Applicant: RI Custom Home Builders Address: 14 Blue Ridge Road, Cranston, RI 02920

Owner: Same Address: Same

Lessee: _____ Address: _____

1. Ownership Tenure

DATE OF PURCHASE of the above stated property by the CURRENT OWNER:
06/16/2023

Will ownership of said property be transferred by the CURRENT OWNER TO THE

APPLICANT for developmental purposes? N/A

2. Location of Premises 44 Cambridge Avenue

3. Assessor's Plat & Lot 317 112
Plat No. Lot No.

4. Dimensions of lot Odd shaped parcel refer to plan 4,471
Frontage Depth Area Square Feet

5. Zoning District in which premises is located A7

6. DEVELOPMENTAL STATUS AND PROPOSAL

Are there any buildings on the premises at present? Yes

If YES, how many buildings? 2

Identify the size, height and use of each building:

(1) Existing residence, 582 s.f. to be removed

(2) Existing shed, 100 s.f. to be removed

(3) _____

**Note: Use additional sheet (s) of paper, if necessary.

7. State legal use of premises Residential

8. Have plans for the proposed construction activities/change of use for any existing and proposed building (s) been submitted to the Warwick Building Official?

Yes ()

No

Does not apply ()

If yes, has a building permit been refused? Yes () No

9. Total number of units, residential/commercial Single Family

10. Type of Sewer System - Public X Private _____
Septic _____ Cesspool _____ Sewers X

11. Is the subject property located in a flood zone? No
If so, what flood zone? _____

12. Is the subject property located in a Historic District? No
If so, have you received approval from the Historic District Commission? _____

13. Does your application required Planning Board approval? No
If so, have you applied and received approval from the Planning Board _____

14. SPECIAL USE PERMIT

A. State proposed use of premises _____

B. Detail of proposed alterations _____

C. LIST precise ARTICLE (S) and SECTION (S) of the ZONING ORDINANCE which authorize consideration of the SPECIAL USE PERMIT described in above.

D. Describe how the granting of the SPECIAL USE PERMIT will meet the requirements of the Zoning Ordinance per Section 906.3 (C)

15. VARIANCES

A. Current use of premises Existing single family residence

B. Detail of proposed alterations:

Removal of existing residence to construct new single family residence with associated driveway and utilities

C. List precise RELIEF, ARTICLE (S) and SECTION (S) of the ZONING ORDINANCE which authorize consideration of the VARIANCE described in above. Refer to attached narrative

D. Identify grounds for the proposed VARIANCE. As required in Section 906.3 (A) and 906.3 (B) of the Zoning Ordinance. Refer to attached narrative

16. APPEALS

A. Appeal of the Building Official (Attach a copy of any denial, notification, violation or correspondence relating to appeal).

1. Date of denial/issuance of permit or date of alleged error in enforcement of Ordinance. _____, 20_____

2. Basis of Appeal (Cite applicable provisions of the Ordinance).

B. Appeal to the Warwick Zoning Board of Appeals from an action of the Warwick Planning Board. (Note: Attach all copies of correspondence, plans and the written decision pertaining to the appeal, including any transcript, audiotapes, constituting the record upon which the action appealed was taken, per Section 906.4 (A) of the Ordinance.

Basis for Appeal (Cite applicable Ordinance provisions)

I/We the UNDERSIGNED, swear that all information provided in this APPLICATION is to the best of MY/OUR knowledge complete and correct in every detail.

Respectfully submitted,

(Owner Signature) 

(Address) _____

(Phone) _____ EMAIL: _____

Respectfully submitted,

(Applicant Signature) 

(Address) _____

(Phone) _____ EMAIL _____

Attorney:

Name: Daniel L. Johnston

Address: 2363 Post Rd Warwick RI 02886

Phone: 401 757 3050 EMAIL DJohnston@JohnstonLawRI.com

***PLEASE BE ADVISED THAT THE STREET NUMBER MUST APPEAR ON ALL STRUCTURES & NEW FREE-STANDING SIGNS**

***PLEASE NOTE: UNLESS ALL REQUIREMENTS LISTED ON THE INSTRUCTION SHEET ARE COMPLIED WITH, THIS APPLICATION WILL NOT BE ACCEPTED.**

***PLEASE BE SURE TO REVIEW INSTRUCTION SHEET CAREFULLY.**

***PLEASE NOTE A CLASS I SURVEY IS REQUIRED**

PROJECT NARRATIVE
DIMENSIONAL VARIANCE

AP 317 Lot 12
44 Cambridge Ave. Warwick RI

Owner/Applicant: RI Custom Home Builders
14 Blue Ridge Rd.
Cranston, R.I.

Applicant's Attorney	David L. Johnston, Esq. 2363 Post Road Warwick, R.I. 02886 (401) 737 3050
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Prepared By: David L. Johnston, Esq.

Narrative – Dimensional Variance

Applicant is requesting the below Dimensional variances in order to facilitate the construction of a new single-family dwelling after the demolition of the existing structure on the site.

Existing Conditions:

The parcel is located in the A-7 zone containing 4,471 square feet. An existing 582 square foot single family home and a small shed. The parcel was platted in 1873 and has not been under common ownership with an abutting parcel. Therefore, the lot is an un-merged substandard lot of record. The parcel is a through lot and contains 57.02' on Cambridge Ave. and 55' on Oxford Street.

Proposed Improvements

Applicant proposes to demolish the existing structure and construct a new single family dwelling. The proposed dwelling shall conform to the yard requirements of the A-7 Zone as modified for the front yard setback pursuant to section 602.4.

Dimensional Requirements

The dimensional requirements are governed Sec. 301 Table 2A of the zoning ordinance as well as Section 602.4 for the front yard setback. The applicant has provided an "Average Front Yard Plan" prepared by their engineer, Alpha Associates. Based upon the plan submitted, the required front yard 5.9'. Therefore, applicant's proposed single family meets all minimum yard requirements.

Variance Requests

Applicant is seeking the following dimensional variances from Section 301 Table 2A;

- (i) Lot Width: Required 70' Contains 55' Total Variance: 15'
- (ii) Frontage: Required 70' Contains 55' Total Variance: 15'
- (iii) Area: Required 7,000 Contains: 4,471 Variance: 2,529

Standards for Relief

- (i) Unlike the general area, the parcel is between two public streets and was platted prior to the enactment of the zoning ordinance. The width and area of the lot are not impacted by any disability of the applicant.
- (ii) The parcel was platted in the 1800's. The enactment of the zoning ordinance created a substandard lot of record for which we seek relief. The Applicant has not caused any actions which created the hardship. The primary reason for this request is to engage in a lawfully permitted use of the Applicant's property.
- (iii) The granting of the request shall allow for a single family dwelling consistent in size and use with the surrounding area.
- (iv) The relief granted is the least relief necessary as Applicant cannot re-plat or otherwise increase the frontage/width or area.
- (v) Denial of the variance would be a denial of a lawfully beneficial use and all beneficial use of the property, amounting to a taking of the Applicant's property rights.