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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 25 2023

PETITION NO. 10949

City of Warwick  
ZONING BOARD OF REVIEW

Application for Special Use Permit, Variance, or Appeal

Date October 25 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: Louise Sweet Address: 26 Seamans Avenue, N. Providence, RI 02904

Lessee: \_\_\_\_\_ Address: \_\_\_\_\_

1. Ownership Tenure

DATE OF PURCHASE of the above stated property by the CURRENT OWNER:  
12/07/1972

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

APPLICANT for developmental purposes? Yes

2. Location of Premises 51 Harold Street

3. Assessor's Plat & Lot AP 293, Lot 873

	Plat No.	Lot No.	
4. Dimensions of lot	<u>94.83'</u>	<u>4 0. 00'</u>	Area <u>3,820</u>
	Frontage	Depth	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? None

If YES, how many buildings? N/A

Identify the size, height and use of each building:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(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  Private \_\_\_\_\_  
Septic \_\_\_\_\_ Cesspool \_\_\_\_\_ Sewers

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.

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

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15. VARIANCES

A. Current use of premises Vacant

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B. Detail of proposed alterations:

Construct single family residence with associated driveway and utilities

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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

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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

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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).

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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, DocuSigned by:  
Louise Sweet  
(Owner Signature) \_\_\_\_\_  
(Address) 25 SEAMANS AVE North Providence RI 02904  
(Phone) 401-353-3148 EMAIL: LOUISE.SWEET38@gmail.com

Respectfully submitted,  
(Applicant Signature) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Phone) \_\_\_\_\_ EMAIL \_\_\_\_\_

Attorney:  
Name: David L Johnston, Esq  
Address: 2363 Post Rd., Warwick, RI 02986  
Phone: 401-737-3260 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 293 Lot 873  
51 Harold Street Warwick, R.I.

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 on a substandard lot of record.

Existing Conditions:

The parcel is located in the A-7 zone containing 3,820 square feet. The parcel was platted in 1905 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 corner lot and contains 94.83' of frontage on Harold Street and 40.02' of frontage on Tilden Ave.

Proposed Improvements

Applicant proposes construction of a single family dwelling

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. The proposed dwelling shall conform to the rear yard and front yard requirement at Tilden Ave as modified for the front yard setback pursuant to section 602.4. However, the parcel requires dimensional variance for the front yard setback at Harold Street, Lot Area and Frontage/width on Tilden Ave.

Variance Requests

Applicant is seeking the following dimensional variances from Section 301 Table 2A as modified by Section 602.4;

(i) Lot Width:	Required 70'	Contains 40.02'	Total Variance: 29.98'
(ii) Frontage:	Required 70'	Contains 40.02'	Total Variance: 29.98'
(iii) Area:	Required 7,000	Contains: 3,820	Total Variance: 3,180
(iv) Front Yard:	Required 13.3'	Contains: 8'	Total Variance: 5.3'

### Standards for Relief

- (i) Unlike the general area, the parcel is a corner lot 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 1905. 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.