

6. DEVELOPMENTAL STATUS AND PROPOSAL

Are there any buildings on the premises at present? Yes

If YES, how many buildings? 1

Identify the size, height and use of each building:

(1) For size see attached survey map, Height = 32.25 FT, Restaurant

(2) _____

(3) _____

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

7. Present use of premises: Restaurant - seasonal

Proposed use of premises: Restaurant - seasonal

8. Total number of RESIDENTIAL UNITS 0

Total number of COMMERCIAL UNITS 1

9. 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 (x)

Does not apply ()

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

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

11. Is the subject property located in a flood zone? Yes
If so, what flood zone? VE 15

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

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

14. SPECIAL USE PERMIT N/A

A. Use of existing structure _____

B. Extent of proposed alterations in detail _____

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 – (USE OR DIMENSIONAL)

A. State existing use of premises See Attached

B. Extent of proposed alterations in detail See Attached

C. List precise ARTICLE (S) and SECTION (S) of the ZONING ORDINANCE which authorize consideration of the VARIANCE described in above.
See Attached

D. Identify grounds for the proposed VARIANCE. As required in Section 906.3 (A) and 906.3 (B) of the Zoning Ordinance.
See Attached

16. APPEALS N/A

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)

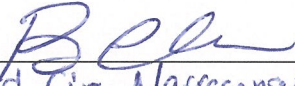
I/We the UNDERSIGNED, swear that all information provided in this APPLICATION is to the best of MY/OUR knowledge complete and correct in every detail.

Respectfully submitted,
(Owner Signature)



(Address) 628 Snake Hill Rd North Scituate, RI 02857
(Phone) 401-312-6500 EMAIL: legal@chelos.com

Respectfully submitted,
(Applicant Signature)



(Address) 50 Bedford Cir Narragansett RI 02882
(Phone) 401-215-5805 EMAIL: brandon@chelos.com

Attorney:

Name: Mary B. Shekarchi, Esq.
Address: 51 Jefferson Blvd., Suite #4 Warwick, RI 02888
Phone: 401-828-5030 EMAIL: marybali@aol.com

*PLEASE BE ADVISED THAT THE STREET NUMBER MUST APPEAR ON ALL PROPOSED FREE-STANDING SIGNS AND ANY EXISTING STRUCTURE

amy.e.cota@warwickri.com

THIS APPLICATION MUST BE REVIEWED FOR COMPLETENESS BY THE BUILDING OFFICIAL PRIOR TO BEING SUBMITTED TO THE ZONING BOARD. PLEASE BE SURE TO REVIEW REQUIREMENTS CAREFULLY.

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

**Zoning Application for
1 Masthead Drive, Warwick, Rhode Island 02886**

Number 10 Type of Sewer System:

The building is currently utilizing a private septic system. However, the Owner/Applicant did obtain approval from the Warwick Sewer Authority to connect to the public sewer system and the construction to complete the sewer connection is currently taking place.

Number 15 Variances:

A. State the proposed use of premises:

The proposed use of the premises will remain as it stands today, which is an approved restaurant that is open seasonally. The Applicant is seeking to add to the building in order be ADA compliant and provide improvements to the currently existing deck. An elevator and stairway will be added to the existing building on the north side of the building and the current second floor deck will be improved by adding a permanent ceiling, new railings and approximately 584 square feet of deck area. In addition, the current first floor deck will be improved below the proposed second level deck and a small additional square footage (approximately 200 square feet total of additional deck at the two locations) where current outdoor sitting area exists. The decks are located on the east side of the building and these proposed additions will not require any zoning relief.

However, due to previous zoning approvals, the Applicant is seeking an amendment to those previous approvals. In addition, based on the current survey of the property, a small portion of the building and exterior side stairway require dimensional relief. Specifically, an irregular shaped portion of the southern side of the building is 13.2 feet from the side property, requiring 1.8 feet of dimensional relief and the exterior staircase on the same southern side of the property is 6.7 feet from the side property line, requiring 8.3 feet of dimensional relief. Lastly, the currently existing building does not meet Section 5.05 of the Zoning Code's Landscaping and Screening requirements for nonresidential uses. The landscaping as it currently exists on this property will remain as is due to the fact that is surrounded by only one (1) commercial property that is used as a marina utilizing the lot for boat storage in the off-season.

The purpose of the proposed improvements to the existing restaurant is to meet ADA requirements and improve the area and functionality inside the restaurant.

B. Give extent of proposed alterations:

The applicant is seeking to amend the previous zoning approvals and to obtain dimensional variances allowing a portion of the existing building and the existing exterior staircase from side setback as well as dimensional relief from all of the requirements in Landscaping and Screening requirements in Section 5.05 of the Zoning code.

C. List precise Article(s) and Section(s) of the Zoning Ordinance which authorize consideration of the Variance described above.

The Applicant is seeking the following dimensional variances:

1. Section 302, Table 2B Dimensional Regulations of the City of Warwick Zoning Ordinance ("Zoning Code") requires that the subject lot comply with minimum side yard setback of 15 feet. The subject property is in a WB Zone. A portion of the southern section of the building is 13.2 feet from the side property line and the existing exterior stairs on the same southern side of the building is 6.7 feet from the side property line. In addition, the existing building does not meet any of the landscaping and screening requirements in Section 5.05 of the Zoning Code, thus dimensional relief is sought from this section of the Zoning Code.
2. Section 906 of the Zoning Code allows for Variances and Consideration for relief from the literal requirements of the Zoning Code.

D. Grounds for proposed variances.

Section 906.3 (A): In granting a variance, the board shall require evidence to the satisfaction of the following standards be entered into the records of the proceedings:

(1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area, and is not due to the physical or economic disability of the applicant (for handicapped access See Section 304.10);

The hardship is due to the unique characteristics of the subject lot of record and structure and not from the general characteristics of the surrounding area.

(2) 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 and the applicant is seeking the proposed addition not for any financial gain but instead for enjoyment and full operational use of the property.

(3) 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 granting of the 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 requested relief will not impair the surrounding area because it will remain as it is currently used. In fact, the proposed additions/renovations are not in an area that will require any zoning relief.

Section 906.3 (B): Different Standards for use and dimensional variances. The Board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

(2) 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 that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. In accordance with the unified development review, the Planning Board has the power to grant dimensional relief variances where the use is permitted by special-use permit.

The hardship that will be suffered by the owner of the subject property will amount to more than a mere inconvenience.