

Joanne Dada  
64 Paxton Road  
Spencer, MA 01562  
M: 508.277.7992  
Email: joannecdada@gmail.com

January 25, 2024

Amy E Cota  
Clerk Tech/Zoning Specialist  
Warwick Zoning Board  
Warwick Building Department  
Warwick, RI 02886

RE: 31 Tenth Ave Zoning Approval Request for Extension

Dear Ms. Cota,


I am writing to request an extension of the zoning approval for 31 Tenth Ave received on or about February 21, 2023. We submitted our application for a building permit on Tuesday, January 16, 2024.

We are unsure of how long it will take for the building department to approve our application and, therefore, request an extension of the zoning approval as it is close to expiring.

Enclosed you will find a check made out to the City of Warwick in the sum of \$50.00 for this request.

Please let me know if you have any questions or require additional information. Thank you.

Kind regards,



Joanne Dada

PAUL DEPETRILLO  
CHAIRMAN



FRANK J. PICOZZI  
MAYOR

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

February 21, 2023



Joanne & Joshua Dada  
64 Paxton Road  
Spencer, MA 01562

Dear Petitioners:

The following is the decision on your Petition #10873, heard by the Warwick Zoning Board of Review on February 14, 2023 for a dimensional variance to construct a second floor addition over a portion of the first floor for a master bedroom/bathroom having a side yard setback of 8' (20' required); Expand the balcony over the existing front porch having a front yard setback of 3.7' (30' required); Rebuild garage with storage space above in the same footprint as the existing garage having a side yard setback of 0.3' (10' required), and a rear yard setback of 2.3', and install two (2) air conditioners on the north side of the dwelling having a side yard setback of 6' (10' required). Subject property being a pre-existing non-conforming lot having a lot area of 4,500 sq. ft. (15,000 sq. ft. required). Assessor's Plat 373, Lot 227 (31 Tenth Ave.), zoned Residential A-15.

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 of fact:

1. The subject property is known as Assessor's Plat 373, Lot 227, containing a total of approximately 4,500 square feet of land, more or less, zoned Residential A-15.
2. The petitioners have owned the property since August 2022.
3. There is an existing single family dwelling located on the subject property.

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Petition #10873  
Joanne & Joshua Dada  
31 Tenth Avenue

4. The property is located within the Buttonwoods Beach Association, and the owner's received a letter from the Association stating they have no objection to the proposed construction.
5. The petitioners are seeking dimensional relief to construct a master bedroom/bathroom addition over a portion of the first floor, expand the balcony over the existing front porch, construct a new garage in the same footprint as the existing garage, and install (2) air conditioning units on the north side of the dwelling.
6. The proposed garage will have a maximum height of 19'-6". The second floor of the garage shall be used as storage space only.
7. The petitioner agreed to all stipulations placed on the approval.
8. There were no neighbors present in opposition or in favor of the petition.
9. The area surrounding the subject property consists of all single family dwellings.

The Zoning Board of Review applied these findings to the standards of review for the granting of a dimensional variance as follows:

1. The hardship from which the petitioner seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and not due to a physical or economic disability of the applicant. The subject property is an undersized non-conforming lot platted many years ago. The existing dwelling doesn't comply with the setback requirements.
2. Said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The petitioner is trying to realize all beneficial use of the subject property and didn't create the hardship. The location of the dwelling on the lot is not due to any prior action of the petitioner.
3. The granting of the requested variance will not alter the general characteristic of the surrounding area, or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the City. The proposed addition & garage would be in keeping with the character of the subject property and the surrounding area.
4. The relief requested is the least relief necessary because the proposed garage would maintain the same setback as the existing garage, and the second floor addition won't encroach any further into the setbacks than the existing dwelling.

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Petition #10873  
Joanne & Joshua Dada  
31 Tenth Avenue

5. Literal enforcement of the dimensional regulations in this case would constitute more than a mere inconvenience for the applicant. Due to the location of the dwelling and the narrow driveway on the subject property, there is no other reasonable location to construct the garage. The subject property cannot be made larger as the surrounding lots contain dwellings.

Based on the foregoing, the Board voted unanimously to grant the petitioner's application for a dimensional variance with the following stipulations and conditions:

1. *That the applicant comply with all required Building Code requirements as determined applicable by the Building Official.*
2. *The second floor of the detached garage shall be used as storage space only.*
3. *Strict compliance with the plans and testimony presented to the Board, with strict compliance to be determined by the Building Official.*
4. *This decision must be recorded in the Land Evidence Records in the City Clerk's Office before a building permit/certificate of occupancy is issued.*


*\*\*Please note that the appeal period (20 days) begins when said decision is posted with the City Clerk's Office.*

5. *That this grant shall be activated with a Building Permit/Certificate of Occupancy (which must remain active, as required by the State Building Code Section 23-27.3-114.2), within one (1) year, unless extended by the Board, or it shall become void, or as otherwise governed by RIGL 45-24-61.1, as amended.*
6. *Note this zoning resolution expires if a permit is not kept active as required in Section 114.2 of the State Building Code 23-17.3.*

(Paul DePetrillo voted to approve, Robert DeGregorio voted to approve, Salvatore Deluise voted to approve, Lorraine Caruso Byrne voted to approve, and Walter Augustyn voted to approve)

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

Very truly yours,

*Paul DePetrillo* 

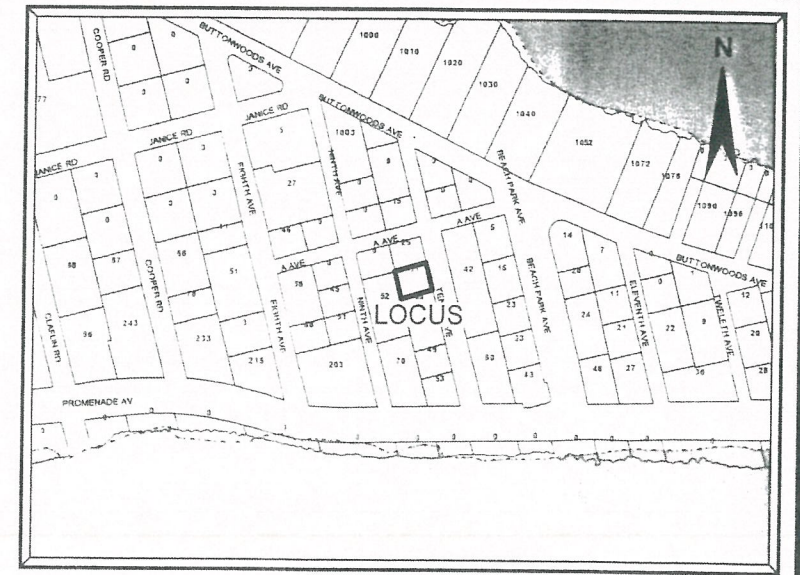
Paul DePetrillo, Chairman  
Warwick Zoning Board of Review

RECORDED  
Feb 21, 2023 12:26P  
Lynn D'Abrasca  
City Clerk  
City of Warwick, RI

**REFERENCE:**

- DEED BK. 10189 PG. 335
- RECORD LOTS 811 & 814 ON "MAP OF SEASHORE GROUNDS BELONGING TO THE BUTTONWOODS BEACH ASSOCIATION SITUATED IN WARWICK - KENT COUNTY R.I. SURVEYED AND DRAWN-MARH 1872 BY N.B. SCHUBARTH 29 WEYBOSSET ST., PROV. R.I." P.C. 40

A.P. 373 / LOT 225  
N/F  
DAVID N. & NANCY G. LUSSIER



**LOCUS MAP**  
NOT TO SCALE

**ZONING DISTRICT A-15**

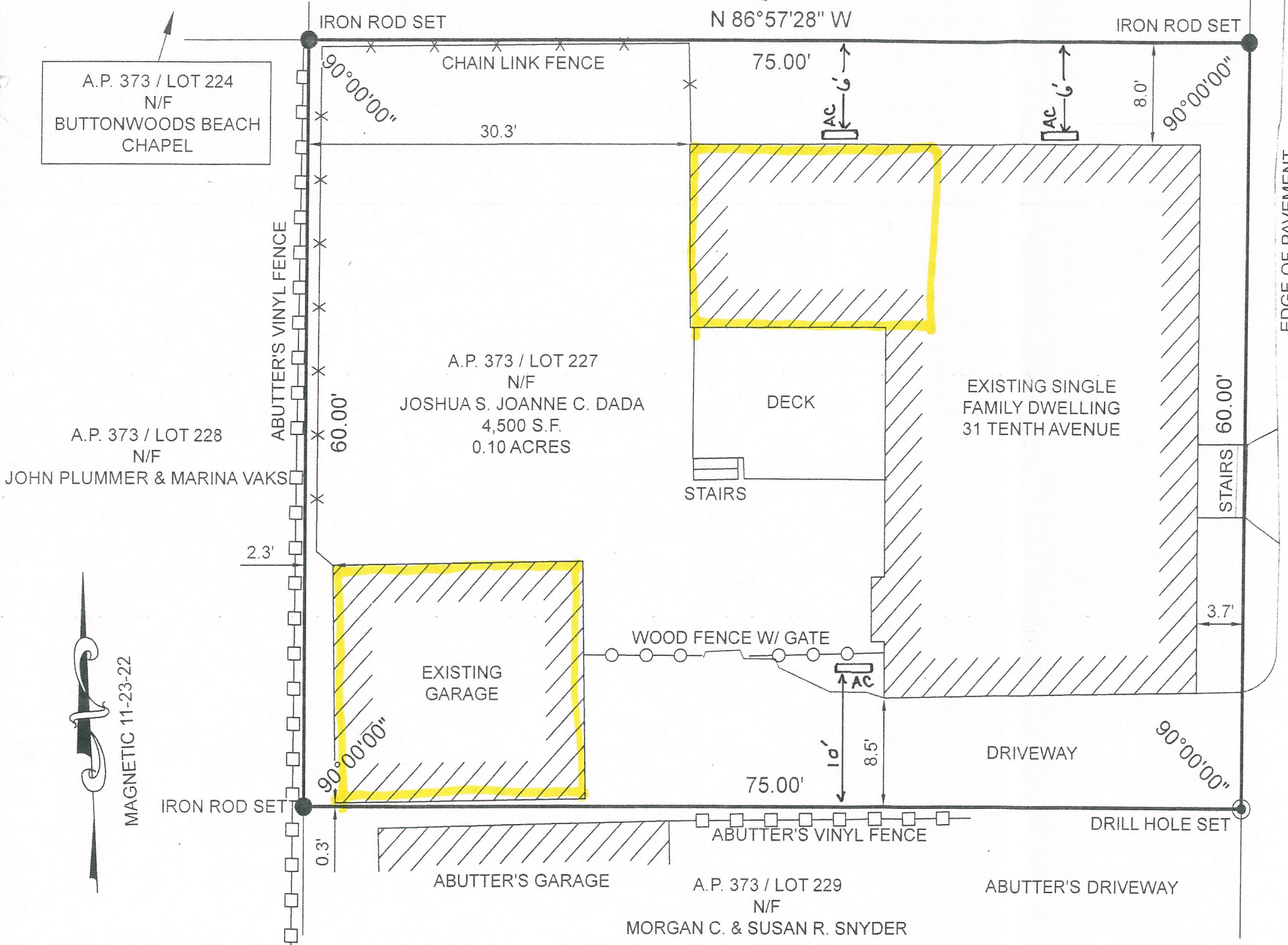
- MINIMUM LOT AREA: 15,000 S.F.
- MINIMUM LOT FRONTAGE: 125 FT.
- MINIMUM SETBACKS: FRONT: 30 FT.
- SIDE: 20 FT.
- REAR: 30 FT.
- MAXIMUM STRUCTURE HEIGHT: 35 FT.
- MINIMUM LANDSCAPE: 5%

**APPROVED**  
WARWICK ZONING BOARD OF REVIEW

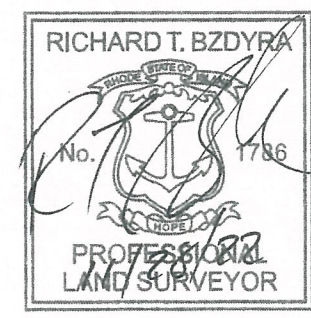
**FEB 14 2023**

*W/Steps* (handwritten)

*ZBA # 10873 - 31 Tenth Ave.* (handwritten)



**TENTH AVENUE**  
(30' PUBLIC)



**SURVEY CLASSIFICATION:**

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY:  
LIMITED CONTENT BOUNDARY SURVEY

MEASUREMENT SPECIFICATION:  
CLASS I

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:  
TO ESTABLISH AND STAKE RECORD BOUNDARY LINES.

BY: *[Signature]* DATE: *11/28/22*  
RICHARD T. BZDYRA, PLS; LICENSE #1786; COA # LS-A60

THE FOLLOWING TYPES OF EVIDENCE WERE USED TO CONSTRUCT THIS SURVEY: RECORDED FOUND MONUMENTS IF ANY, NON-RECORDED MONUMENTS, LINES OF POSSESSION, AND OTHER EVIDENCE RELATIVE TO THE DEED OR PLAT. THE BOUNDARY SOLUTION IS THE COMPILATION OF INFORMATION TO DETERMINE THE MOST PROBABLE LOCATION OF THE SURVEYED PARCEL.

**BOUNDARY STAKE-OUT SURVEY**

A.P. 373 / LOT 227  
31 TENTH AVENUE  
WARWICK, R.I. 02886  
SCALE: 1"=10' DATE: NOVEMBER 28, 2022

PREPARED FOR:  
**JOANNE DADA**  
31 TENTH AVENUE, WARWICK, R.I. 02886  
PHONE: (508) 277-7992

PREPARED BY:  
**OCEAN STATE PLANNERS, INC.**  
1255 OAKLAWN AVENUE, CRANSTON, R.I. 02920  
PHONE: (401) 463-9696 info@osplanners.com

JOB NO. 10406 / DWG. NO. 10406 - C1 - (AJB)

