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

RECEIVED  
WARWICK ZONING BOARD OF REVIEW

APR 07 2023

PETITION # 10896

Date April 4th 2023

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

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

Applicant: Matt Toning Address: 842 Centerville Rd. Warwick, RI

Owner: Bluth LLC Address: 105 New York Ave. Warwick, RI

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

1. Ownership Tenure

DATE OF PURCHASE of the above stated property by the CURRENT OWNER:

08/30/2021

Will ownership of said property be transferred by the CURRENT OWNER TO THE APPLICANT for developmental purposes? No

2. Street Address of Premises 31 Hale Ave. Warwick, RI

3. Assessor's Plat & Lot	<u>201</u>	<u>0126</u>
	Plat No.	Lot No.

4. Dimensions of lot	<u>100'-0"</u>	<u>100'-0"</u>	Area	<u>10,000 SQFT</u>
	Frontage	Depth		Square Feet

5. Zoning District in which premises is located A-10

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) Approximately 26' deep x 46' wide x 25' tall vacant/uninhabitable single family home

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

(3) \_\_\_\_\_

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

7. Present use of premises: Vacant/uninhabitable single family residence

Proposed use of premises: Single family residence

8. Total number of RESIDENTIAL UNITS 1

Total number of COMMERCIAL UNITS 0

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 \_\_\_\_\_  
Septic X \_\_\_\_\_ Cesspool \_\_\_\_\_ Sewers \_\_\_\_\_

11. Is the subject property located in a flood zone? Yes  
If so, what flood zone? Warwick GIS: Zone AE 11, FEMA: Zone EL 11

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? Yes  
If so, have you applied and received approval from the Planning Board \_\_\_\_\_

14. SPECIAL USE PERMIT

A. State existing use of premises N/A

B. Proposed use of the property in detail N/A

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

N/A

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

N/A

**15. VARIANCES – (USE OR DIMENSIONAL)**

A. State existing use of premises Vacant single family residence - currently uninhabitable due to fire.

B. Proposed use of the property in detail Single family residence with covered front porch extending 6'-0" into allowed 8'-0" encroachment into front setback & an attached two car garage garage encroaching 8'-0" into 15'-0" side setback.

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

See attached "Exhibit A" for detailed response

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

See attached "Exhibit A" for detailed response

**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)

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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: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ EMAIL \_\_\_\_\_

\*PLEASE BE ADVISED THAT THE STREET NUMBER MUST APPEAR ON 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\*\*\*\***

Exhibit A

Item 15 - C & D Answer Continued

A. *All variances.* In granting a variance, the board shall require that evidence to the satisfaction of the following standards be entered into the record 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 footprint of the existing structure is positioned on the parcel in a manner to which there is no other reasonable location to place a two car garage or covered front porch as required by the applicant for reasonable enjoyment and use of the property.

- 2) That 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 hardship is not a result of any prior action of the applicant because the footprint of the existing home was constructed prior to their acquisition of the property.

- 3) That 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;

Upon closely studying the neighborhood, two story homes with multi car garages and covered front porches are quite common in this neighborhood. Therefore, the applicant finds this proposal to be congruent with the home styles of the neighborhood.

- 4) That the relief to be granted is the least relief necessary.

Given the location of the property a two car garage is a necessity for a four bedroom home of this scale. Additionally, a covering on a front porch is also the least relief necessary to protect residents from the outdoor elements when entering and exiting the home. The applicant is proposing the shallowest yet still usable front porch which extends 6'-0" into the allowable 8'-0" front porch encroachment.

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:

Not applicable to this project

- 1) In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance; and

Not applicable to this project

- 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, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Not covering the front porch would be more than an inconvenience for the applicant, as being protected from the outdoor elements when entering and exiting the residence is a necessity for reasonable enjoyment of the property. Furthermore, not having an enclosed location to park two vehicles for a family occupying this size home would be more than a mere inconvenience and is a necessary feature to reasonably enjoy this property considering the climate of this location.