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

RECEIVED  
WARWICK ZONING BOARD OF REVIEW  
MAY 11 2023

PETITION # 10905

Date May 11, 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: Raising Cane's Restaurants, LLC Address: 6800 Bishop Road, Plano, TX 75024

Owner: Arista BHR, LLC Address: 450 Station Ave., So. Yarmouth, MA 02664

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

1. Ownership Tenure

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

October 14, 2022

Will ownership of said property be transferred by the CURRENT OWNER TO THE APPLICANT for developmental purposes? Yes

2. Street Address of Premises 336 Bald Hill Road

3. Assessor's Plat & Lot 273 247, 248, 249, 250, 251, 252, 504, and portion of former State land adjacent to Lot 504  
Plat No. Lot No.

4. Dimensions of lot 200 ft. 45,215 sq. ft.  
Frontage Depth Square Feet

5. Zoning District in which premises is located General Business

6. DEVELOPMENTAL STATUS AND PROPOSAL

Are there any buildings on the premises at present? Yes \_\_\_\_\_

If YES, how many buildings? 3 \_\_\_\_\_

Identify the size, height and use of each building:

(1) Use - Restaurant; Size - Height is less than 40 ft. \_\_\_\_\_

(2) Retail store \_\_\_\_\_

(3) Tarot card and palm reading store \_\_\_\_\_

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

7. Present use of premises: Restaurant, retail store, and tarot card and palm reading store \_\_\_\_\_

Proposed use of premises: Fast food restaurant with drive-thru and attached patio with outdoor seating without service or sales \_\_\_\_\_

8. Total number of RESIDENTIAL UNITS 0 \_\_\_\_\_

Total number of COMMERCIAL UNITS 3 \_\_\_\_\_

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 ( ) Does not apply ( )

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

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 existing use of premises \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Proposed use of the property 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.

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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 – (USE OR DIMENSIONAL)**

A. State existing use of premises Please see attached Addendum

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B. Proposed use of the property in detail Please see attached Addendum

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

Please see attached Addendum

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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.

Please see attached Addendum

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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)

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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) John C. Revens Jr., Esq., Attorney for Applicant  
Revens, Revens, St. Pierre & Wyllie, P.C., 946 Centerville Road,  
(Phone) (401) 822-2900 EMAIL: johnr@rrswlaw.com  
Warwick, RI 02886

Respectfully submitted,

(Applicant Signature)   
(Address) John C. Revens Jr., Attorney for Applicant, Revens, Revens, St. Pierre & Wyllie, P.C.  
946 Centerville Road, Warwick, RI 02886-4373  
(Phone) (401) 822-2900 EMAIL johnr@rrswlaw.com

Attorney:

Name: John C. Revens Jr.  
Address: Revens, Revens, St. Pierre & Wyllie, P.C., 946 Centerville Road, Warwick, RI 02886-4373  
Phone: (401) 822-2900 EMAIL johnr@rrswlaw.com

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

[amy.e.cota@warwickri.com](mailto: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 Addendum**  
**336 Bald Hill Road**

**15. Variances**

- A. The existing building previously operated as a restaurant.
  
- B. The proposed use of the property is a fast food restaurant with a drive-thru lane and an attached patio with outdoor seating without sales or service. The applicant is seeking a variance for less than required building setback due to the proposed canopy over the ordering point for the drive-thru lane as well as a variance for less than required 11-foot drive-thru travel lanes. The applicant is also seeking a variance for less than the required 20 foot landscape buffer from a residential zone as the applicant proposes a setback of 15 feet. The applicant is also seeking a variance for less than required off-street parking as the site requires 76 parking spaces and the proposed project includes 32 spaces.
  
- C. Table 2B – Dimensional Regulations
  - 505.1 – Minimum Landscaped Buffer
  - 701 Parking Requirements
  - 701.7 Off-street parking space requirements
  
- D. The Applicant's petition should be granted because the hardship from which the applicant seeks relief is not due to the physical or economic disability of the applicant and it is not the result of any prior action of the applicant. Unfortunately, due to the layout of the site and the position of the building, the Applicant cannot fit any more parking spaces on the site. The nature of the proposed business operates quickly so the car turnover will occur rapidly, thereby eliminating the impact of the parking deficiency on the site and on the surrounding properties. The hardship does not result primarily from the applicant's desire to realize greater financial gain. Granting the requested variance will not alter the general characteristic of the surrounding area as the proposed use fits in with the other businesses in the area and it will not impair the intent or purpose of this zoning ordinance or the comprehensive plan of the city. The relief to be granted is the least relief necessary and if the dimensional variance is not granted, the hardship suffered by the applicant will amount to more than a mere inconvenience.