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MAYOR

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

RECEIVED  
WARWICK ZONING BOARD OF REVIEW

MAY 12 2023

PETITION NO. 10908

City of Warwick  
ZONING BOARD OF REVIEW

Application for Special Use Permit, Variance, or Appeal

Date May 12 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: Graham & Amanda Willoughby Address: 655 Commonwealth Ave, Warwick

Owner: same Address: same

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

1. Ownership Tenure

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

September 2019

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

2. Street Address of Premises 643 Commonwealth Avenue

3. Assessor's Plat & Lot 247 45 & 50  
Plat No. Lot No.

4. Dimensions of lot 214 Feet 256 Ft Area 33,120 sq ft -> One merged  
Frontage Depth Square Feet

5. Zoning District in which premises is located A-40

6. DEVELOPMENTAL STATUS AND PROPOSAL

Are there any buildings on the premises at present? Yes

If YES, how many buildings? 1 single Family

Identify the size, height and use of each building:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

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

7. Present use of premises: Residential  
 Proposed use of premises: Assisted Living

8. Total number of RESIDENTIAL UNITS \_\_\_\_\_  
 Total number of COMMERCIAL UNITS Beds 14 total beds in new Facility

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? Yes  
 If so, have you applied and received approval from the Planning Board Master Plan on May 10, 2023

14. SPECIAL USE PERMIT

A. State existing use of premises See Attached  
 \_\_\_\_\_  
 \_\_\_\_\_

B. Proposed use of the property in detail See attached  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Use Code 705 - See Attached

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

See Attached

15. VARIANCES -- (USE OR DIMENSIONAL)

A. State existing use of premises

See Attached

B. Proposed use of the property 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 : Rear yard setback 40 feet Required 30 proposed  
Front yard setback 40 feet Required 20 proposed  
Lot Size - 40,000<sup>sq</sup>ft Required 33,120<sup>sq</sup>ft proposed.  
↳ Please note we are merging it is more than is there today

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

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) 643 COMMONWEALTH AVE, WARWICK, RI 02886

(Phone) 415-302-6789

EMAIL: GRAHAMWILLOUGHBY1@YAHOO.COM

GRAHAM@COMMONWEALTHHOUSE.RI.COM

Respectfully submitted,

(Applicant Signature)

Same  
\_\_\_\_\_

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_

EMAIL \_\_\_\_\_

Attorney:

Name: Joseph Brennan, Esq.  
\_\_\_\_\_

Address: 51 Jefferson Blvd., Suite 400, Warwick, RI 02888

Phone: 401-827-0100

EMAIL: jbrennan810@gmail.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 for  
643 Commonwealth Avenue, Warwick, Rhode Island  
ZONED A-40**

**Number 14 Special USE Permit:**

**A. State Existing Use:**

The Property is being used as a single-family home.

**B. State Proposed Use:**

To be used as an Assisted Living Facility for 14 beds. Same use as the use next door at 655 Commonwealth Avenue that these applicants own and operate. As part of the project we will merge the two lots into one.

**C. List precise Article(s) and Section(s) of the Zoning Ordinance which authorize consideration of the Special Use Permit described in above.**

The Use Table allows our use under use code 705 (Extended care, convalescent, rest, or nursing home) by way of an "S" which is the designation for a Special Use Permit.

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

906.3. Standards for relief.

(C) Special use permit.

That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan of the city. It is specifically authorized by the Zoning Ordinance by way of an "S" located in the Use Table and the property next door is the exact same use. Additionally in this area there are numerous Doctors Offices and Health Care related Offices.

**Number 15 Variances (Dimensional)**

**A. State Existing Use:**

The Property is being used as a single-family home.

**B. State Proposed Use:**

To be used as an Assisted Living Facility for 14 beds. Same use as the use next door at 655 Commonwealth Avenue that these applicants own and operate.

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

Section 906.1 allows the applicant to apply for a variance to seek relief from the literal requirements of the zoning ordinance. The Applicant is seeking relief from the require 40 foot setbacks from a Residential Zone for the Rear Yard (30 feet proposed for the building although we expect less) and the front yard (20 feet proposed only for the parking lot, the building fits within the 40 feet). Lot size requirement is 40,000 square feet, the combination of the merged lots will also yield total square footage in the amount of 33,120 square feet, which is less than allowed in the Zone but it is an improvement and addition in lot size to what exists there today making it more beneficial and more in compliance than existing.

**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 to the unique characteristics of the land or structure and not the general characteristics of the surrounding area.

(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 the result of any prior action by the applicant and the applicant is only looking to use his property in a similar way from the property next door. The 40 foot additional requirement for being next to residential zones is a difficult one to meet and the applicant has done everything they can to minimize any impact.

(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;

This will not alter the general characteristics of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan of the City. The property next door is the exact same use.

Additionally in this area there are numerous Doctors Offices and Health Care related Offices.

(4) That the relief requested is the least relief necessary.

The relief requested is the least relief necessary as the applicant has done everything they can to fit their building within the 40 foot setback.

Additionally the Petitioner is expecting to provide even more than the 30

feet in the back but has been approached by the abutter to further subdivide and the applicant is unsure how that affects the plans but wants to work with the abutter without losing time.

Section 906.3 (B):

(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 the use may be more profitable or that a structure may be more valuable after relief is granted shall not be grounds for relief.

The hardship would amount to more than a mere inconvenience.