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CHAIRMAN



FRANK J. PICOZZI
MAYOR

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

RECEIVED
JAN 08 2024
WARWICK
ZONING BOARD OF REVIEW

PETITION # 10960

Date January 8 2024

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: Richard Carlucci and Nga Le Address: 153 Charlotte Drive

Owner: _____ Address: _____

Lessee: _____ Address: _____

1. Ownership Tenure

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

Unknown

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

2. Street Address of Premises 161 Charlotte Drive

3. Assessor's Plat & Lot 201 86
Plat No. Lot No.

4. Dimensions of lot See attached survey Area Approx. 5,300 sf
Frontage Depth Square Feet

5. Zoning District in which premises is located A15

6. DEVELOPMENTAL STATUS AND PROPOSAL

Are there any buildings on the premises at present? Yes

If YES, how many buildings? 2 plus shed

Identify the size, height and use of each building:

(1) Dwelling unit - see plans

(2) Dwelling unit - see plans

(3) Shed - see plans

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

7. Present use of premises: Residential

Proposed use of premises: Same

8. Total number of RESIDENTIAL UNITS 2

Total number of COMMERCIAL UNITS _____

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 x _____ Sewers _____

11. Is the subject property located in a flood zone? Yes
If so, what flood zone? Mixed - AE, VE and X

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. 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 _____

B. Extent of proposed alterations in detail _____

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

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

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. December 19, 2023

2. Basis of Appeal (Cite applicable provisions of the Ordinance).

See attached letter from counsel.

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)

See attached letter from counsel.

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) 153 Charlotte Drive

(Phone) Joelle Rocha, Esq. 401-455-0700 EMAIL: jrocha@duffysweeney.com

Respectfully submitted,

(Applicant Signature)

(Address) 153 Charlotte Drive

(Phone) Joelle Rocha, Esq. 401-455-0700 EMAIL jrocha@duffysweeney.com

Attorney:

Name: Joelle C. Rocha, Esq.

Address: Duffy & Sweeney, Ltd., 321 So. Main St., Suite 400, Providence, RI 02903

Phone: 401-455-0700 EMAIL jrocha@duffysweeney.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******

DUFFY & SWEENEY, LTD

BUSINESS LAW & LITIGATION

Joelle C. Rocha, Esq.
jrocha@duffysweeney.com

January 8, 2024

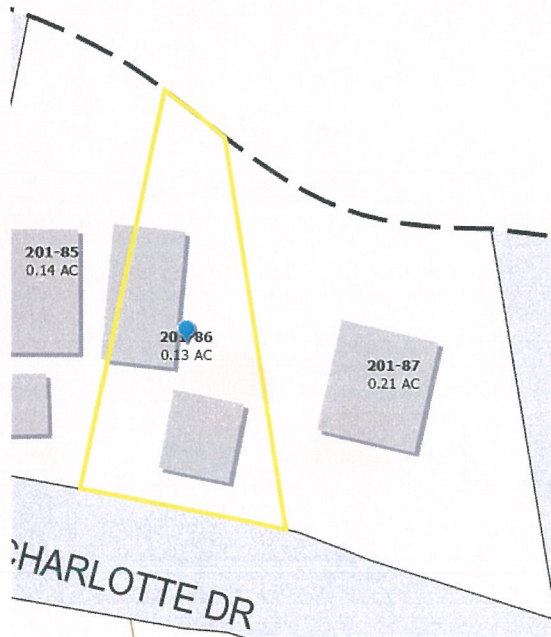
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City of Warwick
Zoning Board of Review
c/o Amy E. Cota, Zoning Board Clerk
City Hall
3275 Post Road
Warwick, RI 02886

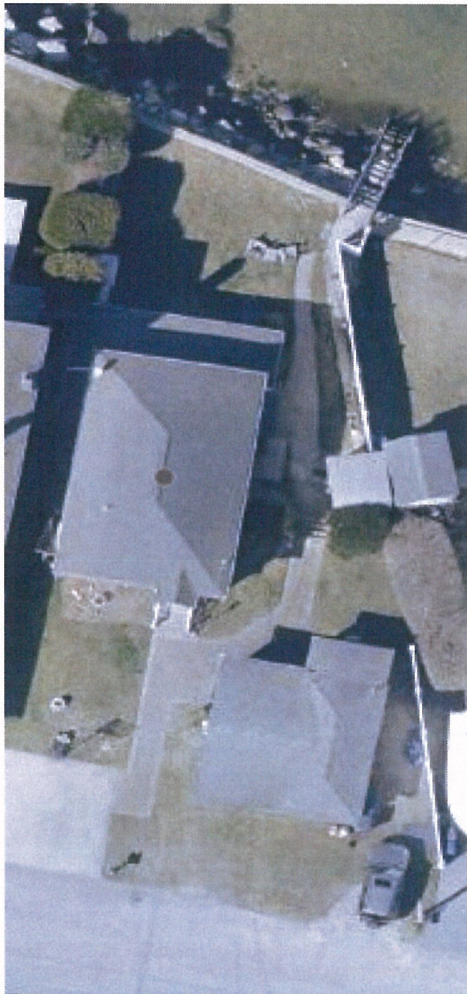
RE: Appeal of Issuance of a Building Permit

Dear Honorable Zoning Board Members:

Please accept this correspondence in conjunction with the Appeal filed for my clients, Richard Carlucci and Nga Le (“Carluccis”) as to the December 19, 2023 building permit issued to the adjacent property owner, Joseph King, for 161 Charlotte Drive, otherwise known as Assessor’s Plat 201, Lot 86 (“King Property”). See **Exhibit A** for the issued building permit. The Carluccis own the adjacent lot at 153 Charlotte Drive, otherwise known as Assessor’s Plat 201, lot 87. See below, from Town GIS mapping the properties:



The December 19, 2023, building permit was issued in error to King, as he needs significant zoning relief for the proposed deck. The King Property is not only an undersized lot, at approximately 5,300 square feet in size compared to the 15,000 square feet required for a dwelling in the A-15 zone where it is located, but the existing structures fail to conform to any of the dimensional requirements in the A-15 zone. Moreover, the use of the King Property is also nonconforming, as there are two dwellings at the King Property, while only one is allowed in the A-15 zone. Clearly, the King Property is significantly intense as to the structures currently located on it. *See GIS snip of the King Property as of 2023:*



As stated above, and as shown on King's survey of the existing structures (attached as **Exhibit B**), the existing structures fail to comply with **any** dimensional requirements of the A-15 zone.

Dimensional standard	Required	Existing
Minimum lot area	15,000 sf	5,316 sf
Minimum frontage	125 ft	70 ft
Minimum front setback	30	7.45
Minimum side yard	20	2.23
Minimum rear yard	30	Existing unknown but greater than 27.13 ft ¹

It is also clear the King Property does not meet the landscaping coverage requirement. Moreover, the existing main dwelling (even without the proposed deck) currently encroaches on both required side yard setbacks, including the fact that it is only 12.85 ft to the Carlucci setback as is, instead of the 20 feet required. The proposed addition of the deck goes even further into the side setback on the side of my clients, without any relief required:

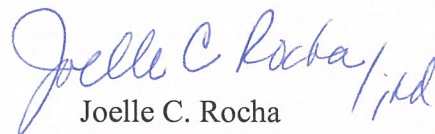
¹ The plans presented by King show a rear yard measurement of 27.13 ft to the concrete seawall rather than the property line which is inconsistent with surveying standards and the law. No correct measurement is provided. Likewise, the King's site plan mistakenly shows an extension and bump out of the King's Property after the drill hole onto the Carlucci side. This area was the subject of a lawsuit brought by King for adverse possession in 2021 which was previously dismissed, with prejudice—meaning there are no valid claims for that area remaining. See *King v. Carlucci*, PC-2021-06084.

to obtain a CRMC Permit under the false pretense that the addition complied with the zoning ordinance, and what allowed King to obtain his building permit—both without any notice whatsoever to my clients.

It is unfortunate that my clients had to find this error out at the 11th hour, and now have to spend unnecessary legal fees to appeal the December 19, 2023, building permit issued in error. To the extent the building permit is not vacated and cancelled, we intend to fully press this Appeal given the violations of the zoning ordinance.

Thank you in advance for your attention to this matter.

Very truly yours,


Joelle C. Rocha

JCR/jhd
Attachments

EXHIBIT A



BUILDING PERMIT

PERMIT # 23-8177
PROJECT #
PROJECT NAME
PROJECT COST: \$0.00

ISSUED TO (OWNER) OR CONTRACTOR	NAME: Anthony Ross ADDRESS: 6400 CONSTRUCTION CO INC ADDRESS: 657 MINERAL SPRING AVENUE IF PROPERTY OWNER, ENTER HERE. No. a general contractor will be hired	REGISTERED PROFESSIONAL ENGINEER LICENSE: 0716, Contractor's Residential and Commercial Registration Affiliation S.C. 28, 60-456
REMARKS TO PERFORM THE FOLLOWING SCOPE OF WORK	Deck with catwalk and steps. Remove window and replace with door.	
ADDITIONAL REMARKS		
AT THE LOCATION	ADDRESS: 100 CHARLOTTE DR Warwick, RI 02886	PLAT: 2023-001-REUR-11-REPAIR-100-000-0000 AREA: 0 ZONING: RELEVANT JURISDICTION: LOCAL ORDINANCE:
OFFICIAL AGENCY	LOCAL: Joseph King ADDRESS: 100 Charlotte Drive Warwick, RI 02886	

I warrant that the person executing this Permit shall be duly registered in the terms of the regulations of the office used in the printing of the Standard and Conditions applying to the Building, Construction, Alteration, and Maintenance of Buildings in the municipality and shall keep such as complying by law. No individual or corporation shall be liable for violation of this statute if he or she has complied with the work under this permit.

Any person who shall violate any of the Statutes and Ordinances relating to Zoning, Construction, Alteration, and Maintenance in the municipality shall be punished as provided by the State Building Code and Local Zoning Ordinances.

[Signature]

APPROVED: DEBORAH DINO, OFFICIAL
DATE: December 19, 2023

Your signature required and the authority shall authorize the various stages of construction.

This is an e-permit. To view this permit, scan this barcode or visit our website at www.warwickri.gov. E-permit #: 162027



WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION
SIGNATURES VALID ON ORIGINAL, STAMPED PERMIT ONLY, NO COPIES ALLOWED.

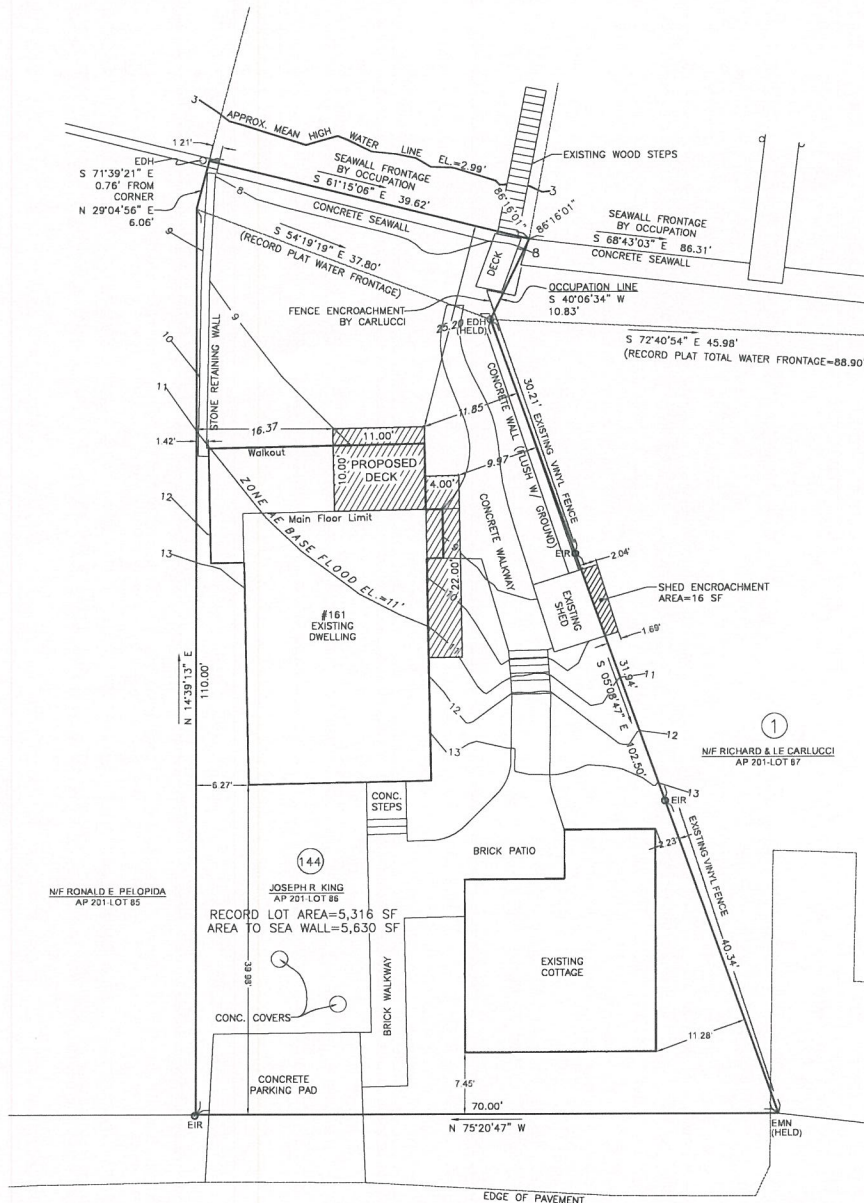
BUILDING	APPROVED		REQD. INSP.	SEPARATE PERMITS ARE REQUIRED FOR EACH TRADE APPROVED		REQD. INSP.	ELECTRICAL	APPROVED		REQD. INSP.
	BY	DATE		BY	DATE			BY	DATE	
PRIOR TO START EROSION CONTROL				SCREEN UNDERGROUND/ PRE-SLAB ROUGH FINAL			SERVICE REG. # UNDERGROUND			
SETBACKS FOUNDATION FOOTINGS FORMS PRIOR TO BACKFILL PIERC PRE-SLAB				MECHANICAL	APPROVED BY	DATE	REQD. INSP.	ROUGH PRE-CEILING FINAL FIRE ALARM		
DECK/PORCH				ROUGH FINAL SIKNS	APPROVED BY	DATE	REQD. INSP.	ROUGH	APPROVED BY	DATE
FOOTINGS TE-COLUMNS GROU??				SETBACKS				ROUGH FIRE PREVENTION	APPROVED BY	DATE
BOND BEAM PARTIAL ROUGH ROUGH				FOOTINGS FASTENINGS	APPROVED BY	DATE	REQD. INSP.	ROUGH SUPPRESSION ACCEPTANCE		
INSULATION FIRE STOPPING				FINAL D.P.W./HIGHWAY	APPROVED BY	DATE	REQD. INSP.	FINAL SMOKED/CO DETECTORS ROUGH FINAL	APPROVED BY	DATE
PRE-CILING GRADE				CUBING FINAL ZONING	APPROVED BY	DATE	REQD. INSP.	ROUGH FINAL	APPROVED BY	DATE
LANDSCAPE PARKING FINAL				FINAL CITY PLANNING/	APPROVED BY	DATE	REQD. INSP.	FINAL	APPROVED BY	DATE
				D.P.R.C FINAL				OTHER	APPROVED BY	DATE



EXHIBIT B

EXHIBIT C

RECEIVED
11/17/2023
COMMUNITY RESOURCE
MANAGEMENT COUNCIL



CHARLOTTE DRIVE
(CITY OWNED - 50' WIDE)

CERTIFICATION

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 4.35-RICR-00-00-1.9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

(A) TYPE OF BOUNDARY SURVEY:
LIMITED CONTENT BOUNDARY SURVEY

MEASUREMENT SPECIFICATION
I

(B) OTHER TYPE OF SURVEY:
DATA ACCUMULATION SURVEY - SURVEY OF SITE FEATURES

III

(C) STATEMENT OF PURPOSE:
THE PURPOSE OF THIS SURVEY AND PLAN IS TO SHOW EXISTING SITE FEATURES SUFFICIENT TO SHOW EXISTING PROPERTY LINES AND SHOW AREAS OF ENCRoACHMENT.

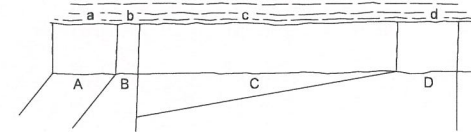
BY: Samuel Suorsa 10/23/2023
REGISTERED PROFESSIONAL LAND SURVEYOR SIGNATURE

Samuel R. Suorsa, PLS
REGISTERED PROFESSIONAL LAND SURVEYOR PRINTED NAME

A-68
CERTIFICATE OF AUTHORIZATION NO.

References:

- MAP TITLED "POTOWOMUT PLAT ANNEX WARWICK, R.I., BELONGING TO HERBERT C. CALEF. BY FRANK E. WATERMAN CO. AUG, 1920. SCALE, 80 FEET TO AN INCH." RECORDED AT CITY HALL AS PLAT BOOK 36/PAGE 16.
- DEED BOOK 467 / PAGE 135
- Boundary control and legal principles, by Curtis M. Brown ; with contributions by H. Frederick Landgraf, Francois D. Uzes. 2nd ed. Page 310, Figure 10.24a. "Proportionate Shore-line Method."



*Boundary Survey Plan at
Showing Proposed Deck at
161 Charlotte Drive
in the City of Warwick, Rhode Island
Assessor's Plat 201 / Lot 86*

Prepared for: Joseph King
161 Charlotte Drive, East Greenwich, Rhode Island 02818

