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

RECEIVED
WARWICK ZONING BOARD OF REVIEW
AUG 07 2023

PETITION NO. 10925

City of Warwick
ZONING BOARD OF REVIEW

Application for Special Use Permit, Variance, or Appeal

Date August 7th 20 23

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

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

Applicant: Martelly Building & Design, Co. Address: 470 Old Fall River Ave Swansea MA

Owner: Li Qun Lin & Wendy Lin Address: 39 S. Eagle Nest Drive Lincoln RI

Lessee: _____ Address: _____

1. Ownership Tenure

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

5/18/2021

Will ownership of said property be transferred by the CURRENT OWNER TO THE

APPLICANT for developmental purposes? _____

2. Location of Premises 296 Shawomet Ave

3. Assessor's Plat & Lot 334 269
Plat No. Lot No.

4. Dimensions of lot 50' 96.81' 5800 SQFT
Frontage Depth Area 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? Foundation only on vacant lot

If YES, how many buildings? _____

Identify the size, height and use of each building:

(1) _____

(2) _____

(3) _____

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

7. State legal use of premises New One Family Dwelling

8. 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 ()

9. Total number of units, residential/commercial One

10. Type of Sewer System - Public Private _____
Septic _____ Cesspool _____ Sewers _____

11. Is the subject property located in a flood zone? Yes
If so, what flood zone? Zone VE (El. 14)

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 proposed use of premises _____

B. Detail of proposed alterations _____

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

A. Current use of premises Foundation only on vancant lot

B. Detail of proposed alterations:

Construct new one family dwelling; 30'-0" X 40'-0"

C. List precise RELIEF, ARTICLE (S) and SECTION (S) of the ZONING ORDINANCE which authorize consideration of the VARIANCE described in above.
Table 2-A dimensional Regualtions:

Minimum Lot Area; Minimum Frontage; Minimum Front Yard Set Back; Minimum Side Yard Set-Back

405-4A Legal Non-Confirming Lot of Record

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

See attached Addendum from Attorney

Note: These Variances previously approved #9113 - Jan 11, 2005 & #10781 - March 8, 2022

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)

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) Wendy / Li Ann Lin
(Address) 39 South Eagle Nest Dr., Lincoln, RI 02865
(Phone) 401-339-2669 EMAIL: Wendy@nam7prod.com

Respectfully submitted,

(Applicant Signature) Peter Martelly PETER MARTELLY
(Address) 470 OLD FALL RIVER RD SWANSEA MA 02777
(Phone) 774-526-8389 EMAIL: PETER@MARTELLYBUILDING.COM

Attorney:

Richard D. Pacia
Name: RICHARD D. PACIA
Address: 50 POWER ROAD, PAWSETT, RI 02868
Phone: 401-781-1492 EMAIL: rpacia1aw@gmail.com

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

amv.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

ADDENDUM

SUPPLEMENT TO SECTION 15 D. OF THE ZONING APPLICATION

The subject property is a legal lot of record. Said relief is requested pursuant to the "Viti" doctrine, as it has been established under case law precedent and adopted and codified in the relevant state statutes. If this application is denied the owner will not have any beneficial use of their land. Also, if denied, the owner will suffer more than a mere inconvenience.

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.

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.

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.

That the relief to be granted is the least relief necessary.

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.

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 use of one's property.