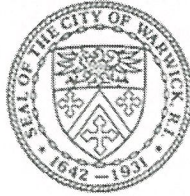


PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

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

August 15, 2023

Peter & Robin Stevens
91 Priscilla Avenue
Warwick, RI 02889

Bernard & Bernice Johnston
42 Priscilla Avenue
Warwick, RI 02889

Dear Petitioners:

The following is the decision on your Petition #10918, heard by the Warwick Zoning Board of Review on August 8, 2023 for a dimensional variance to construct a new single family dwelling on an undersized lot containing 4,196 sq. ft. lot (7,000 sq. ft. required), with a front yard setback of 3.1' (25' required). Assessor's Plat 380, Lot 262 (vacant lot next to 61 Chapin Ave.), zoned Residential A-7.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Zoning Board of Review of the City of Warwick taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings of fact:

1. The subject property is known as Assessor's Plat 380, Lot 262, containing a total of approximately 4,196 square feet of land, more or less, zoned Residential A-7.
2. The petitioner has owned the property since 1969.
3. The petitioner received Master Plan Approval of a Major Subdivision from the Planning Board to reconfigure three (3) lots to create two (2) stand-alone lots. One new 7,637 sq. ft. lot with less than required frontage and lot width, with an existing single-family dwelling, and one (1) new 4,196 sq. ft. lot with less than required land area, for the development of a single-family dwelling.

Petition #10918
Peter & Robin Stevens
Chapin Ave. (Plat 380, Lot 262)

Page 2

4. The petitioner is proposing to construct a new single-family dwelling on a lot that contains 4,196 square feet of land (7,000 sq. ft. required), having a front yard setback of 11.1' to the dwelling, and a 3.1' setback to the front deck/porch (25' required).
5. The petitioners have worked closely with the abutting neighbor's on lot #263, which is the party most affected by this petition, and agreed to the two following stipulations being voluntarily placed on the approval:
 - a) The petitioners agree to move the proposed deck from the rear of the dwelling to the eastern side of the property.
 - b) The existing trees and natural growth barrier shall remain, but if removed, shall be replaced with arborvitaes or other tight evergreen screening to be at least six feet high.
6. There was one neighbor present concerned with the size of the proposed dwelling.
7. The area surrounding the subject property consists of all single family dwellings.

The Zoning Board of Review applied these findings to the standards of review for the granting of a dimensional variance as follows:

1. The hardship from which the petitioner seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and not due to a physical or economic disability of the applicant.
2. 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 petitioner is trying to realize a beneficial use of the subject property and didn't create the hardship.
3. 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 of Warwick.
4. Literal enforcement of the dimensional regulations in this case would constitute more than a mere inconvenience for the applicant, because without a variance to construct a single-family dwelling, there is no other alternative use of the property.

Based on the foregoing, the Board voted 4-1 to grant the petitioner's application for a dimensional variance with the following stipulations and conditions:

Petition #10918
Peter & Robin Stevens
Chapin Ave. (Plat 380, Lot 262)

Page 3

- 2. *The existing trees and natural growth barrier shall remain, but if removed, shall be replaced with arborvitaes or another tight evergreen screening to be at least six feet high.*
- 3. *Substantial compliance with the plans and testimony presented, with substantial compliance to be determined by the Building Official.*
- 4. *This decision must be recorded in the Land Evidence Records in the City Clerk's Office before a building permit/certificate of occupancy is issued.*

***Please note that the appeal period (20 days) begins when said decision is posted with the City Clerk's Office.*

- 5. *That this grant shall be activated with a Building Permit/Certificate of Occupancy (which must remain active, as required by the State Building Code Section 23-27.3-114.2), within one (1) year, unless extended by the Board, or it shall become void, or as otherwise governed by RIGL 45-24-61.1, as amended.*
- 6. *Note this zoning resolution expires if a permit is not kept active as required in Section 114.2 of the State Building Code 23-17.3.*

(Paul DePetrillo voted to approve, Robert DeGregorio voted to approve, Lorraine Caruso Byrne voted to deny, Salvatore DeLuise voted to approve, and Walter Augustyn voted to approve)

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

Paul DePetrillo, Chairman
Warwick Zoning Board of Review

PD/ac

cc: Daniel Flaherty, Esq.

RECORDED
Aug 16, 2023 11:58A
Lynn D'Abrosca
City Clerk
City of Warwick, RI