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

RECEIVED

MAR 08 2024

WARWICK  
ZONING BOARD OF REVIEW

PETITION # 10973

Date MARCH 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: NPG Properties, LLC Address: 25 Michelle Cir, Warwick RI  
 02886  
 Owner: NPG Properties, LLC Address: 25 Michelle Circle, Warwick, RI  
 02886  
 Lessee: n/a Address: n/a

1. Ownership Tenure

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

December 21, 2023

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

- 2. Street Address of Premises 1104 Bald Hill Rd, Warwick RI 02886
- 3. Assessor's Plat & Lot 260 64  
Plat No. Lot No.
- 4. Dimensions of lot 119.78' 268' ± Area 15.894  
Frontage Depth Square Feet
- 5. Zoning District in which premises is located General Business (GB)

6. DEVELOPMENTAL STATUS AND PROPOSAL

Are there any buildings on the premises at present? yes

If YES, how many buildings? 1

Identify the size, height and use of each building:

(1) 4,000 sq/ft, 1 story, photography studio

(2) \_\_\_\_\_

(3) \_\_\_\_\_

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

7. Present use of premises: photography studio

Proposed use of premises: same

8. Total number of RESIDENTIAL UNITS 0

Total number of COMMERCIAL UNITS 1

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 (X)

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

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? n/a

12. Is the subject property located in a Historic District? NO  
If so, have you received approval from the Historic District Commission? n/a

13. Does your application required Planning Board approval? NO  
If so, have you applied and received approval from the Planning Board n/a

14. SPECIAL USE PERMIT

A. Use of existing structure SIGNS

B. Extent of proposed alterations in detail RATIFICATION OF SECOND SIGN. 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.

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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 See attached addendum - 3 pgs

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B. Extent of proposed alterations in detail See attached addendum - 3 pgs

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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.

See attached addendum - 3 pgs

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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.

See attached addendum - 3 pgs

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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) Chicole Geomardi  
(Address) 25 Michelle Cir, Warwick RI 02886  
(Phone) 401-374-6992 EMAIL: \_\_\_\_\_

Respectfully submitted,

(Applicant Signature) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Phone) \_\_\_\_\_ EMAIL \_\_\_\_\_

Attorney:

Name: K. Joseph Shekarchi  
Address: \_\_\_\_\_  
Phone: 827-0100 EMAIL JOE@SHEKARCHILAW.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](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\*\*\*\***

## **15. Variance**

### **A. State existing use of premises**

NPG Properties, LLC, ("Applicant") purchased this commercial property on December 21, 2023, for use as a photography studio. The Applicant just relocated her photography business to Warwick after operating in Providence for the past 14 years. It is important to have clear signage so new and returning customers can find the new location as the driveway could sneak up on you while driving down the hill.

The property is on Bald Hill Road and is a single story commercial building. When the Applicant purchased the property it had two freestanding signs facing Bald Hill Road:

1. **Sign 1:** The taller sign is closest to the building. It is 18.37 ft. high, 7.41 ft. x 5.21ft., with a total area of 38.6 ft. per side. The Applicant's sign contractor applied for a Building Permit #24-1063 to modify Sign 1 by removing the existing sign and replacing it with & replacement of (1) 60"x 84" polycarbonate sign face. As of March 7, 2024, this permit is still active and awaiting approval and changes to this sign have been made.
2. **Sign 2:** The shorter sign is closer to the sidewalk. The sign is 11.47ft. High, 7.47 ft. x 7.44 ft, with an area per side of 55.58 sq. ft. There are two sides. In order to get approval to install at least one sign with the correct business name, the Applicant has covered this sign while awaiting a permit for Sign 1 and a decision from the Zoning Board.

During the process of ordering new signage for this new business, the Applicant became aware that Sign 2 (which was in place when purchased) was not installed with a permit. The prior owner advised that they purchased the property in 2019 with both Sign 1 and Sign 2 in place.

Sign 1 appears to be the older sign based on Aerial photo views and is visible as far back as 1997. In addition, there are records of prior building permits being issued for sign replacements dating back to 2004 (Permits #3481 & #5419) and 2010 (Permit #17927). Presumably, based upon aerial photos, these permits were for Sign 1.

Sign 2 appears to have been installed some time between 2011 and 2014. Aerial photos from RIDEM and Warwick GIS show Sign 2 in place since at least 2014. (See attached photos). Sign 2 does not appear in the 2011 aerial photos.

The Applicant notes that there is a billboard on the North facade of the building which is leased to Lamar to advertise other businesses. This billboard is not used for the

Applicant's photography studio and is not part of this variance application. The Billboard has been there for many years and is likely a legal, pre-existing, non-conforming use. The Billboard appears in shadow in the 1997 RIDOT Aerial available on the Warwick GIS. The Billboard is not part of this application for relief. This application is limited to the freestanding signs identifying the business operating at the subject property.

**B. Extent of proposed alterations in detail**

No alterations are proposed. The Applicant would like to keep and utilize Sign 2 at this property, in addition to Sign 1. If this variance is granted, the Applicant would apply for a permit to remove and replace the sign faces on Sign 2.

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

904(C) Board may authorize use and dimensional variances.

The subject property is located in a General Business (GB) zone. Freestanding signs are permitted in the GB zone provided that the sign does not exceed the maximum area set forth Section 806.3. However, pursuant to 806.3 FN1: "Only one freestanding sign is permitted per street frontage."

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

**Use Variance**

Sign 2 signage area is 55.58 sq. ft. per side, with a total of 111.16 sq. ft. Sign 2 is 11.47 ft tall, shorter than the maximum. The dimensions of Sign 2 fall well within the limitations for signs in the General Business district set forth in 806.3. However, given the limitation in 806.3 FN1 ("Only one freestanding sign is permitted per street frontage"), the Applicant needs a use variance to keep this sign.

Therefore, the Applicant requests a use variance to keep Sign 2, in existence and used by prior owners for at least 10 years, as a means of identifying her business.

**Dimensional Variance**

Sign 2 is located 1.16 feet from the front property line of the subject property. Therefore, the Applicant requests dimensional relief from the above requirement for freestanding signs to have a 10 foot setback as set forth in 806.3.

Since the purchase in December 2023, the Applicant has observed that there are some visibility issues with Sign 1 when approaching the property from the south, heading



north and downhill on Bald Hill Road. Thus, the Applicant suspects that is why Sign 2 was installed and also why the Applicant would like to keep and use Sign 2.

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject lot and not the general characteristics of the surrounding area and is not due to the physical or economic disability of the applicant. This sign was installed prior to the Applicant's purchase of the property and given the location of the lot on a slope, the visibility of Sign 1 is impaired by telephone polls when approaching from the South, heading downhill. The best way to approach and enter this property is from the South so you can make a right turn into the parking lot.

The hardship is not the result of any prior action of the applicant because: the Applicant did not install this sign; it was installed by a prior owner and has been in place for at least 10 years; and the Applicant had no knowledge that it was not permitted until her sign installer applied for a permit to replace the existing sign faces.

That the granting of the requested variance will not alter the general characteristic of the surrounding area nor impair the intent or purpose of the City's zoning ordinance nor comprehensive plan because the variance preserves the status quo (two prior owners have used this sign), the sign and been in place for many years, and the sign is located in a dense commercial area on Bald Hill Road. Most of the neighboring properties also have freestanding signs close to the street.

That the hardship that will be suffered by the owner/applicant if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted because this sign's location closer to the street and lower down makes it more visible to customers approaching downhill from the South. Without Sign 2, customers approaching from the South may not notice the Photography Studio until they are right upon it. This could result in traffic problems, stopping short or u-turns, and then trying to make a left turn on a busy and dense section of Bald Hill Road. The subject property is across Bald Hill Road from Haxton's liquor, which is such a difficult spot to make left turns that police have directed traffic there in the holiday season. Sign 2 improves the signage of this business, allowing customers to safely plan ahead, slow down and turn into the parking lot.

Finally, granting both a use and dimensional variance will preserve the status quo and not result in any changes to this property.

For all these reasons, the Applicant respectfully requests that the Zoning Board grant a use and dimensional variance in order to retain and use Sign 2 to identify this business.