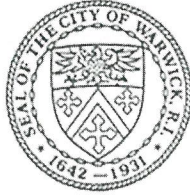


EVERETT O'DONNELL
CHAIRMAN



FRANK J. PICOZZI
MAYOR

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

September 7, 2021

RJB Realty, LLC
E & J West Shore Realty, LLC
75 Tipping Rock Drive
East Greenwich, RI 02818

Dear Petitioners:

The following is the decision on your Petition #10729, heard by the Warwick Zoning Board of Review on August 31, 2021, for a dimensional variance to construct a new 5,907 sq. ft. fast food restaurant (Dunkin Donuts) with a drive-thru window (3,656 sq. ft. first floor/2,250 sq. ft. basement). Subject property having less than required parking. Petitioner is also seeking a use variance to re-locate an existing Electronic Message Board LED Sign from their prior location, previously approved by this Board. Assessor's Plat 319, Lots 2, 4 & 502 (35 West Shore Rd.), zoned General Business (GB).

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 319, Lots 2, 4 & 502, containing a total of approximately .94 acres of land, more or less, zoned General Business (GB).
2. The petitioner has owned the property since February 2020.
3. The proposal is to merge three lots into one, demolish the existing structures, and construct a new 5,907 sq. ft. fast food restaurant (Dunkin Donuts) with a drive-thru window.
4. The petitioner is seeking a dimensional variance for less than required parking and a use variance to re-locate an existing Electronic Message Board LED Sign from their prior location, which was previously approved by this Board.

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5. The petitioner agreed to maintain the stipulations relative to the prior approval of the Electronic message Board on Petition #10517,
6. There were no neighbors present in opposition or in favor of the petition.
7. The area surrounding the subject property consists entirely of commercial uses.

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. The subject lots are vacant, unutilized lots that don't meet current zoning standards.
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 legally permitted beneficial use of the subject property.
3. 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 because the proposed use would be compatible with the existing uses in the area.
4. The relief requested is the least relief necessary because the proposed structure will meet all required setbacks.
5. Literal enforcement of the dimensional regulations in this case would constitute more than a mere inconvenience for the applicant.

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

1. A change of message shall not occur more than once every two hours (on the even hour).
2. The size of the electronic message board shall be no greater than 4' x 7' (28 sq. ft.).
3. The sign shall not display animated graphics or intermittent lights, scroll, flash, dissolve, be animated or move in any way except for the changing of the message.
4. The message shall be static at all times.
5. The sign shall not produce any audio or video.

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6. The sign shall maintain a black background at all times. A white background is strictly prohibited.
7. The electronic message board must be equipped with a mechanism to control the brightness of the display, which shall not be any brighter than that necessary for clear and adequate visibility as determined by the Warwick Building Official.
8. Upon notification by the Building Official, the owner shall adjust the brightness of the electronic message board.

In addition to the carry-over sign stipulations, the Board further recommends:

9. That prior to the issuance of a Building Permit, the Final Landscape Plan shall be approved by the Landscape Project Coordinator, such plan shall include the following:
 - o Incorporate clustered evergreen plantings across from the proposed menu board/speaker box to help absorb and deflect sound away from the adjacent residential area.
 - o Staggered evergreens along the eastern property boundary to provide a buffer to the existing child care facility.
 - o Enhanced landscaping in all planting beds within 10' of West Shore Road which shall include perennials, shrubs and trees, LED lighting, stone walls and/or other similar elements.
 - o Integration of freestanding signage into the hardscape as approved by the City Landscape Project Coordinator.
10. That the seven (7) parking spaces shown on the site plan in the vicinity of the proposed drive-thru lane be designated as employee-parking only, by signage, striping or similar method.
11. That there shall be no stacking of vehicles that restricts drive-lanes or public streets.
12. All exterior lighting shall be designed to minimize negative impacts on neighboring properties.
13. Substantial compliance with the plans and testimony presented to the Board, with substantial compliance to be determined by the Building Official.

(Everett O'Donnell voted to approve the dimensional & use variance, George Shuster voted to approve dimensional variance, but deny the use variance, Paul DePetrillo voted to approve the dimensional & use variance, Salvatore Deluise voted to approve the dimensional & use variance, and Robert DeGregorio voted to approve the dimensional & use variance.)

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14. That 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.

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

15. No expansion of the approved structure shall be made without approval of the Zoning Board of Review.
16. 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.
17. 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.

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

Very truly yours,



Everett O'Donnell, Vice-Chairman
Warwick Zoning Board of Review

EO/ac

cc: K. Joseph Shekarchi, Esq.
Brian LaPlante, Esq.

RECORDED
Sep 08, 2021 01:11P
Lynn D'Abrosca
City Clerk
City of Warwick, RI