

Department of  
Development Services

Town Hall  
45 Broad Street  
Westerly, RI 02891

*Town of Westerly*  
*Rhode Island*



RECEIVED FOR RECORD  
WESTERLY R.I.

Apr 18, 2017 at 08:49A

BOOK 2017 PAGE 5048  
FOR RECORDING PURPOSES ONLY  
DOC #: 00001496

**ZONING BOARD OF REVIEW**  
**DECISION**

April 13, 2017

Kevin & Christine Clifford  
42 Uzzi Avenue  
Westerly, RI 02891

**RE: 42 Uzzi Avenue**  
**Assessor's Plat 164, Lot 128**  
**Zoning Submittal No. 16/2232**

On **January 4, 2017**, the Zoning Application for the above-referenced property began the presentation process before the Zoning Board of Review requesting a **corner side-yard setback variance** and a **rear-yard setback variance** from §260-19 (Minimum Dimensional Requirements) of the Zoning Ordinance to **construct a gazebo as an addition to an existing deck** at the above-referenced property. The Public Hearing on this matter was held on **April 5, 2017** with a decision being rendered at that time.

**FINDINGS OF FACT**

Based on the information presented during the Public Hearing and the testimony given, a motion was made by **Al Clemence**, duly seconded by **Linda Bongiolatti**, to adopt the following Findings of Fact outlined below:

This request is being brought forward by the applicants and owners, **Kevin and Christine Clifford**, who are requesting a **13.6' Corner Side-yard Setback Variance** and a **5.4' Rear-yard Setback Variance** from Section(s) 260-19 (Minimum Dimensional Requirements) of the Zoning Ordinance to **construct a 16' x 16' x 19' gazebo as an addition to an existing deck** at the subject property located at **42 Uzzi Avenue**, otherwise identified as **Assessor's Plat 164, Lot 128**. The subject property is presently used as a single-family residence and is located in an **HDR-10** Zoning District. The neighborhood surrounding the subject property consists primarily of seasonal and year-round single-family residences also located within the HDR-10 Zoning District.

The Zoning Board received comments concerning this application at a Public Hearing held on **April 5, 2017**. Zoning Board members **Mark Doescher, Walter Pawelkiewicz, Linda Bongiolatti, Albert Clemence, and John Ornberg** (voting alternate member) were present and heard testimony during the entirety of the Public Hearing, as was **Larry Cioppa** (non-voting alternate member).

The Zoning Board was provided with a Zoning Narrative prepared by Staff dated **November 23, 2016** which outlined the details of the application and was made part of the application file, thereby becoming part of the record.

The following individuals spoke as representatives (and experts, if any) of the applicant:

**Attorney Steven Surdut** spoke as the legal representative of the applicants.

**Raymond Leader, Residential Appraiser**, testified to the uniqueness of the property and the inconvenience and testified the request was the least relief necessary and a denial of the request would be more than a mere inconvenience.

**Edward Vigue, Designer**, testified to the uniqueness of the property and why an alternate location for the gazebo would be more than a mere inconvenience.

No individuals spoke during the Public Hearing in support of or in opposition to the request.

The following information and materials were entered into the record as Exhibits:

**Image of the property accessed from Town of Westerly - GIS**

**Written letter from Norman and Mary Auger, 16 Elmwood Avenue, in support of the request**

**Written letter from Patrick and Elizabeth Lawrence, 41 Uzzi Avenue, in support of the request**

Based on this evidence and testimony entered into the record, a motion was made by **Al Clemence**, duly seconded by **Linda Bongiolatti**, finding that the requested relief **satisfies** the standards of Section 260-33 (Variances), specifically sub-section D, Standards 1 through 4, and sub-section E, Standard 2, and in agreement that the granting of the variance:

1. **Is** due to the unique characteristics of the land on which it resides and is not due to the physical or economic disability of the applicant because the property is unique by shape and by location;
2. **Is justified** by a hardship that 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 because the owners testified the property is intended to be their retirement home and is not intended to be used for re-sale;
3. **Will not alter** the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or Comprehensive Plan because Mr. Leader testified the proposed gazebo would complement the area and would not be detrimental to the existing neighborhood;
4. **Is justified** as being the least relief necessary because there is not enough room for adequate family gathering due to the size of the lot and structure of the existing deck and is the least relief necessary for the owner to utilize as he feels necessary; and,
5. **Is justified** as the hardship suffered by the owner, if the dimensional variance is not granted, would amount to more than a mere inconvenience because the structure would augment the family gatherings and would make the entire dwelling more satisfactory for the owners' use.

The motion in establishing these Findings of Fact passed 5-0 (Mark Doescher, Walter Pawelkiewicz, Lina Bongiolatti, Al Clemence and John Ornberg).

#### **RELIEF REQUESTED**

§260-19 (Minimum Dimensional Requirements)

**13.6' Corner Side-yard Setback Variance**

**5.4' Rear-yard Setback Variance**

#### **DECISION**

As supported within the above Findings of Fact, a motion was made by **Al Clemence**, duly seconded by **Linda Bongiolatti**, to grant the requested **13.6' Corner Side-yard Setback**

**Variance** and a **5.4' Rear-yard Setback Variance** from §260-19 (Minimum Dimensional Requirements) of the Zoning Ordinance to **construct a 16' x 16' x 19' gazebo as an addition to an existing deck** at the subject property as requested, subject to the condition that a new site plan be provided that is stamped, makes reference to the correct flood zone and is to correct scale.

The motion to grant the requested relief passed 5-0 (Mark Doescher, Walter Pawelkiewicz, Lina Bongiolatti, Al Clemence and John Ornberg).

Respectfully Submitted,

  
Jason A. Parker, AICP, CFM  
Administrative Official

DONNA L. GIORDANO, TOWN CLERK  
WESTERN, N.H. Zoning

ZONING

Application for Dimensional Variance

NOV 22 2016  
Cash  
150 - App  
75 - Adv.  
BY: SA Record  
# 275 -  
16-2032

To: Westerly Zoning Board of Review Date: \_\_\_\_\_  
Town Hall - 45 Broad Street  
Westerly, RI 02891

The undersigned hereby applies to the Westerly Zoning Board of Review for a **dimensional variance** pursuant to the provisions of § 260-33 of the Westerly Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Applicant(s): Tom Uigue Address: 55 woady Hill Rd Bradford  
Owner(s): Kevin + Christine Clifford Address: 42 UZZI AVE WESTERLY RI  
Lessee: \_\_\_\_\_ Address: \_\_\_\_\_

1. Filing instructions:

- a. Original application and 10 copies, typed or legibly printed, must be filed with the Zoning Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount of \$150, plus legal advertising and recording fees, shall accompany an application to the Zoning Board of Review to cover the costs of processing (payable to "Town of Westerly - Zoning"). In addition to the \$150 fee, the applicant shall also be responsible for all additional costs, if any, incurred by the town in the course of review of this application, such as third-party review, cost of additional advertising and stenographic fees, and will be billed when the final costs have been determined.
- c. All required checklist items for a **dimensional variance** must accompany the application in order to be considered a complete application.

2. Location of premises: WESTERLY RI

3. Plat: 164 Lot: 128 Zoning District: HDR-10

911 Address: 42 UZZI AVENUE

4. Dimensions of lot: (frontage) feet by (depth) feet; Area (square feet or acres): 98.8'

5. Present use of premises: residence

6. Proposed use of premises: residential

7. Is there a building on the premises at present: yes

ZONING

8. How long have you owned the premises: <sup>2006</sup> 2008 - 7 years in house

9. Year that lot was platted and recorded: <sup>2004</sup> 2004

10. Have you submitted plans to the Zoning Inspector: Yes

11. Has a permit been refused: NO If a permit has been refused, attach a copy of the denial in writing.

12. Size (in square feet) of all existing buildings and accessory structures:  
1st Floor 968 > 1936 sq.ft. Deck (Existing) 288.25 sqft  
2nd Floor 968

13. Size (in square feet) of all proposed buildings and accessory structures:  
Gazebo 216 sqft

14. Indicate the number of families to reside in the building: 1

15. Describe the extent of the proposed alterations: CONSTRUCT GAZEBO AND ATTACH TO EXISTING DECK

16. Indicate the section of the Westerly Zoning Ordinance under which application for dimensional variance is made:

17. State what relief is sought (dimensions, in number of feet):  
Side: 13'-6" Side: \_\_\_\_\_ Rear: 5'-4" Front: \_\_\_\_\_ Height: \_\_\_\_\_

18. Clearly state the grounds for which this dimensional variance is sought:  
CURRENTLY LAWN AREA

19. Request for waiver: Indicate checklist items that are requested to be waived by the Zoning Board and the reasons for the request:  
(4)

Respectfully submitted: 11-22-16

Print Name: TOM VIGUE

Signature: Tom Vigue

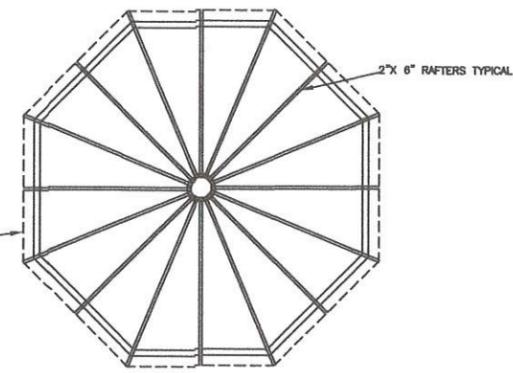
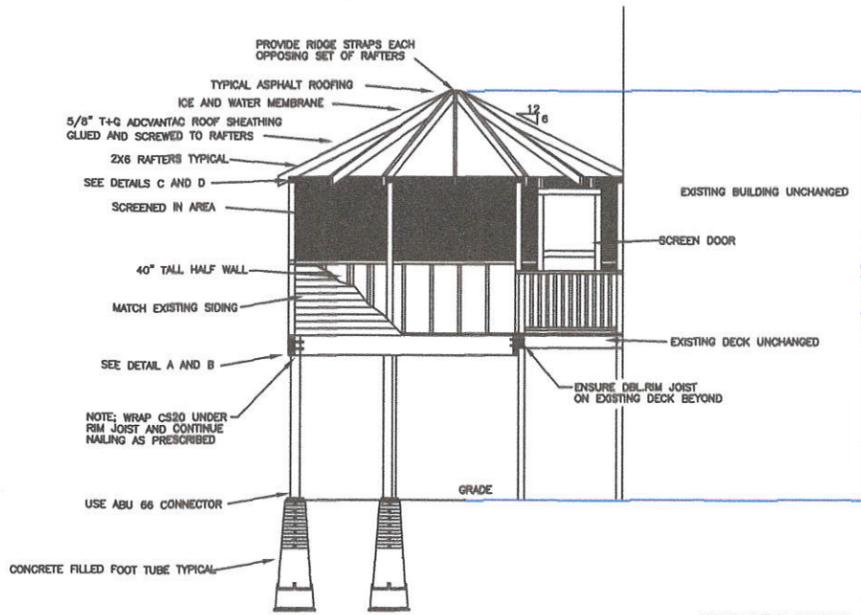
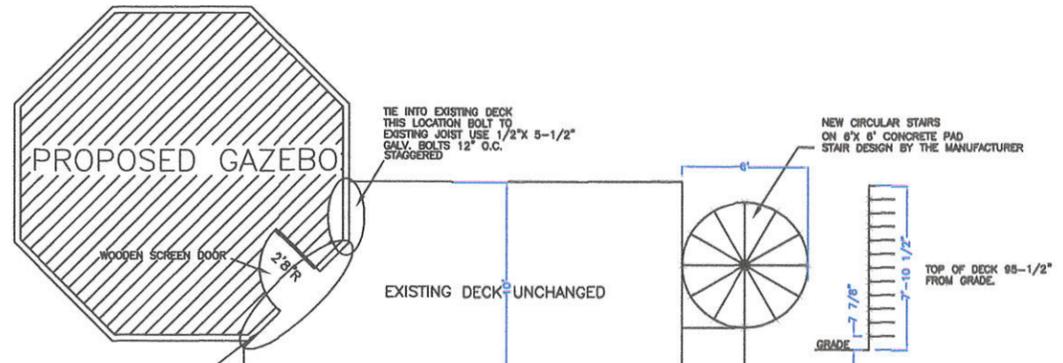
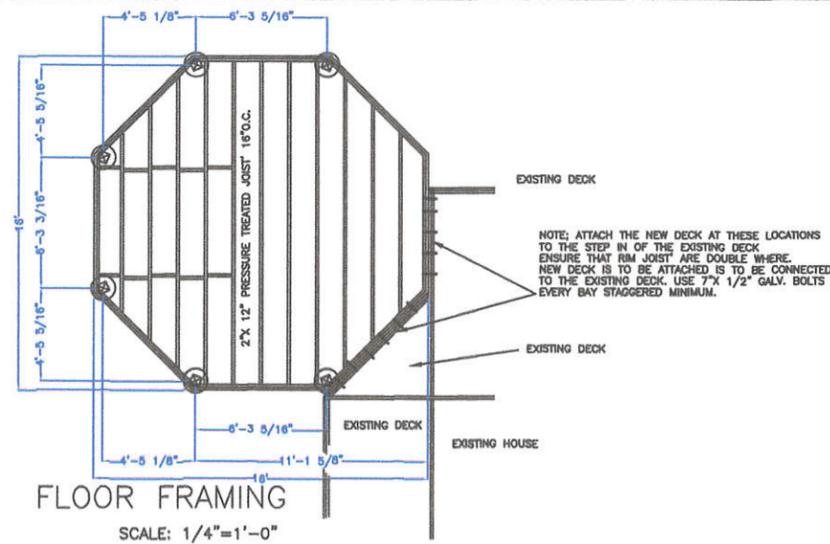
Address: 55 Woody Hill Rd  
Bradford RI

Mailing Address	Mailing City	Mailing State	Mailing Zip	Site City
11 LINWOOD AVE	WESTERLY	RI	02891- 0000	WESTERLY
305 WOODRIDGE AVE	FAIRFIELD	CT	06430- 0000	WESTERLY
13 OVERLOOK TERR	DANBURY	CT	06811- 0000	WESTERLY
28 LARKSPUR LN	BRISTOL	CT	06010- 0000	WESTERLY
16 ELMWOOD AVE	WESTERLY	RI	02891- 0000	WESTERLY
RIVERVIEW TRUST	HAVARD	MA	01451- 0000	WESTERLY
FALXA ELIZABETH & MARTIN L TRU	NEWTONVILLE	MA	02160- 0000	WESTERLY
1115 HOPEWELL RD	GLASTONBURY	CT	06033- 0000	WESTERLY
C/O MANGOLD WILFRED J	STURBRIDGE	MA	01566- 0000	WESTERLY
22 TRINITY DR	ENFIELD	CT	06082- 0000	WESTERLY
7 LINWOOD AVE	WESTERLY	RI	02891- 0000	WESTERLY
418 LOCUST RD	HARWINTON	CT	06791- 0000	WESTERLY
32 HIGHLAND RD	STAMFORD	CT	06902- 0000	WESTERLY
C/O ANN CUDDY THOMSEN	WESTWOOD	MA	02493- 0000	WESTERLY
333 RICCIUTI DR	QUINCY	MA	02169- 0000	WESTERLY
42 UZZI AVE	WESTERLY	RI	02891- 0000	WESTERLY
14 CHASE HILL RD	ASHAWAY	RI	02804- 0000	WESTERLY
45 GLENVILLE RD	GREENWICH	CT	06831- 0000	WESTERLY
6828 ARONOMINK DR	CHARLOTTE	NC	28210-7330- 0000	WESTERLY
12 FARM HILL RD	STAMFORD	CT	06902- 0000	WESTERLY
C/O LARKIN PHILIP E	S WINDSOR	CT	06074- 0000	WESTERLY
7 QUARRY LN	BERLIN	CT	06037- 0000	WESTERLY
119 GREEN TREE LN	SOMERS	CT	06071- 0000	WESTERLY
200 BLUE HILLS DR	SOUTHINGTON	CT	06489-4606- 0000	WESTERLY
319 CHURCH HILL RD	TRUMBULL	CT	06611- 0000	WESTERLY
80 KEMP AVE	N ADAMS	MA	01427- 0000	WESTERLY
63 BLAKESLEE RD	WALLINGFORD	CT	06492- 0000	WESTERLY
32 UZZI AVE	WESTERLY	RI	02891- 0000	WESTERLY
57 GULF RD	STAFFORD SPRINGS	CT	06076- 0000	WESTERLY
151 NEWTON ST	KENSINGTON	CT	06037- 0000	WESTERLY
40 MASCUPPIC TRL	TYNGSBOROUGH	MA	01879- 0000	WESTERLY
94 REDMONT RD	STAMFORD	CT	06903- 0000	WESTERLY
119 GREEN TREE LN	SOMERS	CT	06071- 0000	WESTERLY
5 ARBOR LN	NORTHFORD	CT	06472- 0000	WESTERLY
1662 GLASGO RD	GRISWOLD	CT	06351- 0000	WESTERLY

## TOWN OF WESTERLY, RHODE ISLAND

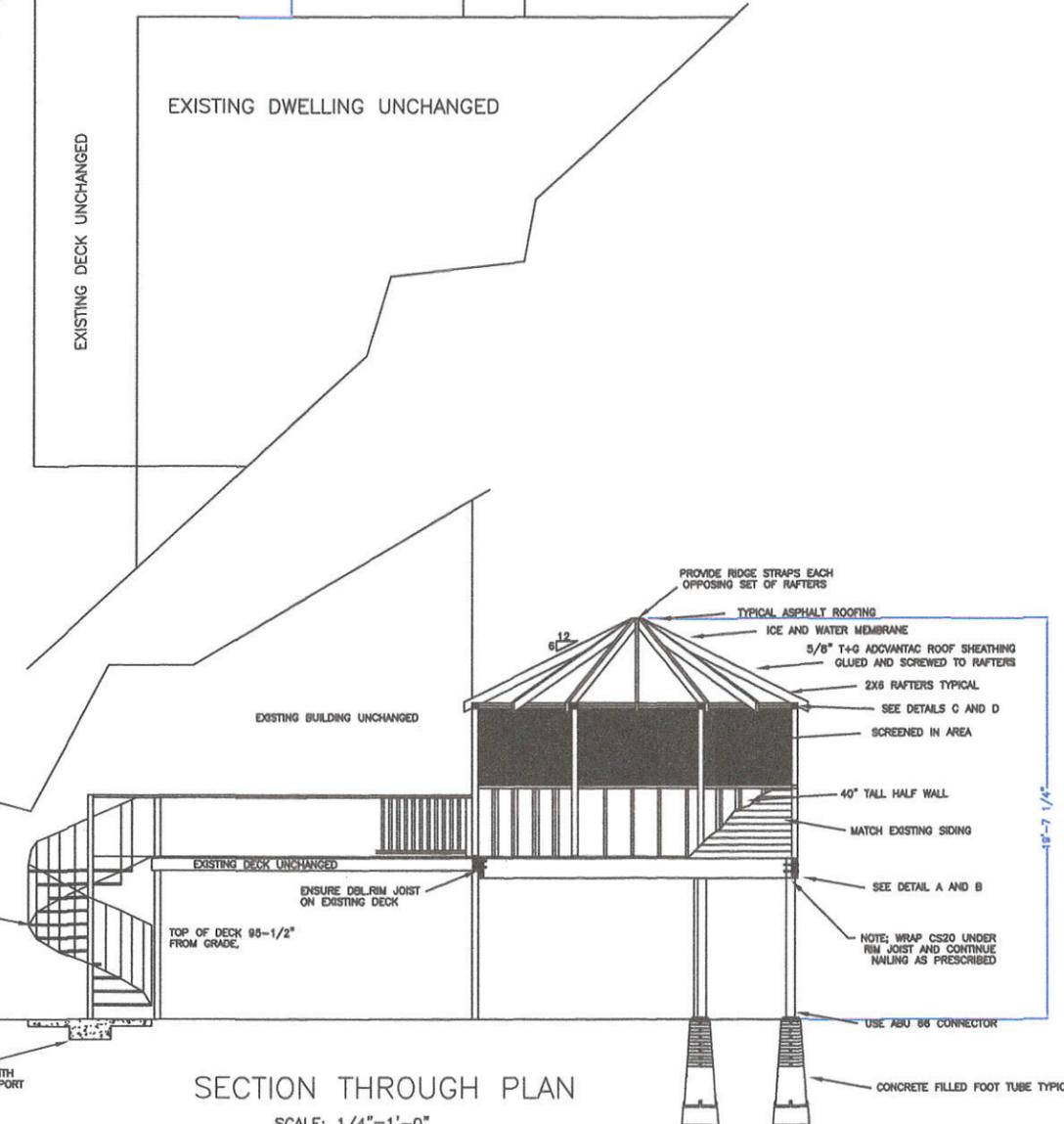
Parcel ID	Site Address	Owner Name	Co-Owner Name
164-134	11 LINWOOD AVE	ZUCCO VINCENT J &	ZUCCO KAREN A
164-161	15 ELMWOOD AVE	MCGILICUDDY THOMAS W &	MCGILICUDDY JOAN P
164-137	3 LINWOOD AVE	BERETIS ZOY &	BERETIS STAVROS A
164-144	14 ELMWOOD AVE	MATTIOLI ANTHONY M &	MATTIOLI NANCY P
164-145	16 ELMWOOD AVE	AUGER NORMAN E & MARY L TRUSTEES	
164-172	39 UZZI AVE	NORMAND VICTOR R TRUSTEE	
164-173	37 UZZI AVE	FALXA ELIZABETH S TRUST ET AL	
175-062	20 COLLINS AVE	BASCETTA MARIA C	
164-127	10 LINWOOD AVE	ALLEN HOLLY S GILBERT &	GILBERT ALAN J
164-146	18 ELMWOOD AVE	LAWSON THOMAS	
164-135	7 LINWOOD AVE	NIST ROBERT E &	NIST JUDITH A
164-153	20 UZZI AVE	SHEAK STEPHEN B &	JAWIN SHEAK DEBORAH
164-154	22 UZZI AVE	BROOKS JEFREY &	WOODS ELIZABETH
164-160	17 ELMWOOD AVE	THOMSEN ANN 2006 FAMILY TRUST	
164-176	29-31 UZZI AVE	LAVELLE PHILIP M &	LAVELLE FAMILY TRUST
164-128	42 UZZI AVE	CLIFFORD KEVIN C &	CLIFFORD CHRISTINE
164-133	38 UZZI AVE	ROBINSON FAMILY REALTY TRUST AGRMT	
164-150	34 UZZI AVE	TONE DONALD &	TONE CATHLEEN
164-156	21 COLLINS AVE	COTTON JAMES REV TRUST	
164-159	22 COLLINS AVE	DUBIAGO ARLENE O	
164-175	33 UZZI AVE	LARKIN RYAN C ET AL	
164-151	36 UZZI AVE	MARTINOTTI SHEILA	
164-157	19 COLLINS AVE	DENI DONALD J	
164-177	27 UZZI AVE	PERRONE BRIAN D &	PERRONE SUSAN T
164-180	21 UZZI AVE	RICCIO FRANK II &	RICCIO JUDY ANN
164-136	5 LINWOOD AVE	WALL DAVID P ET AL	
164-147	20 ELMWOOD AVE	WALL WILLIAM G &	WALL CAROLINE
164-149	32 UZZI AVE	GARAND DAVID &	GARAND MICHELE ANN
164-155	24 UZZI AVE	KASCHULUK MICHAEL D &	KASCHULUK ANNE T
164-162	13 ELMWOOD AVE	KURPIEWSKI GERALDINE T	
164-174	35 UZZI AVE	RYERSON PATRICIA CROOKER &	CROOKER CYNTHIA LEE
164-148	28 UZZI AVE	SANFILIPPO JOSEPH A &	SANFILIPPO MARY KATE
164-158	17 COLLINS AVE	DENI DONALD J	
164-178	25 UZZI AVE	VUMBACK DIANNE T	
164-179	23 UZZI AVE	TAMBURRINO NICHOLAS A &	TAMBURRINO ROBIN L

NOTE; ALL CONSTRUCTION WILL COMPLY WITH FEMA TECHNICAL BULLETIN #28 FOR DECKS POOLS AND ACCESSORY STRUCTURES. ALONG WITH ASMCE #24-05



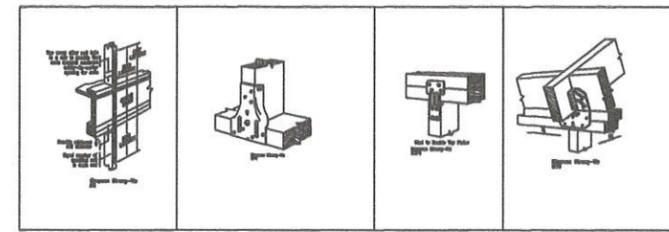
FLOOR PLAN  
SCALE: 1/4"=1'-0"

ROOF FRAMING  
SCALE: 1/4"=1'-0"



DETAIL B  
SIMPSON SPI  
BOTTOM PLATE TO STUD  
CONNECTION  
16" O.C. MIN SPACING  
USE 8 8D X 1 1/2" NAILS

DETAIL D  
SIMPSON H10 OR H8  
RAFTER OR TRUSS TO TOP PLATES  
CONNECTION  
24" O.C. OR LESS MIN SPACING  
USE 10 10D X 1 1/2" NAILS



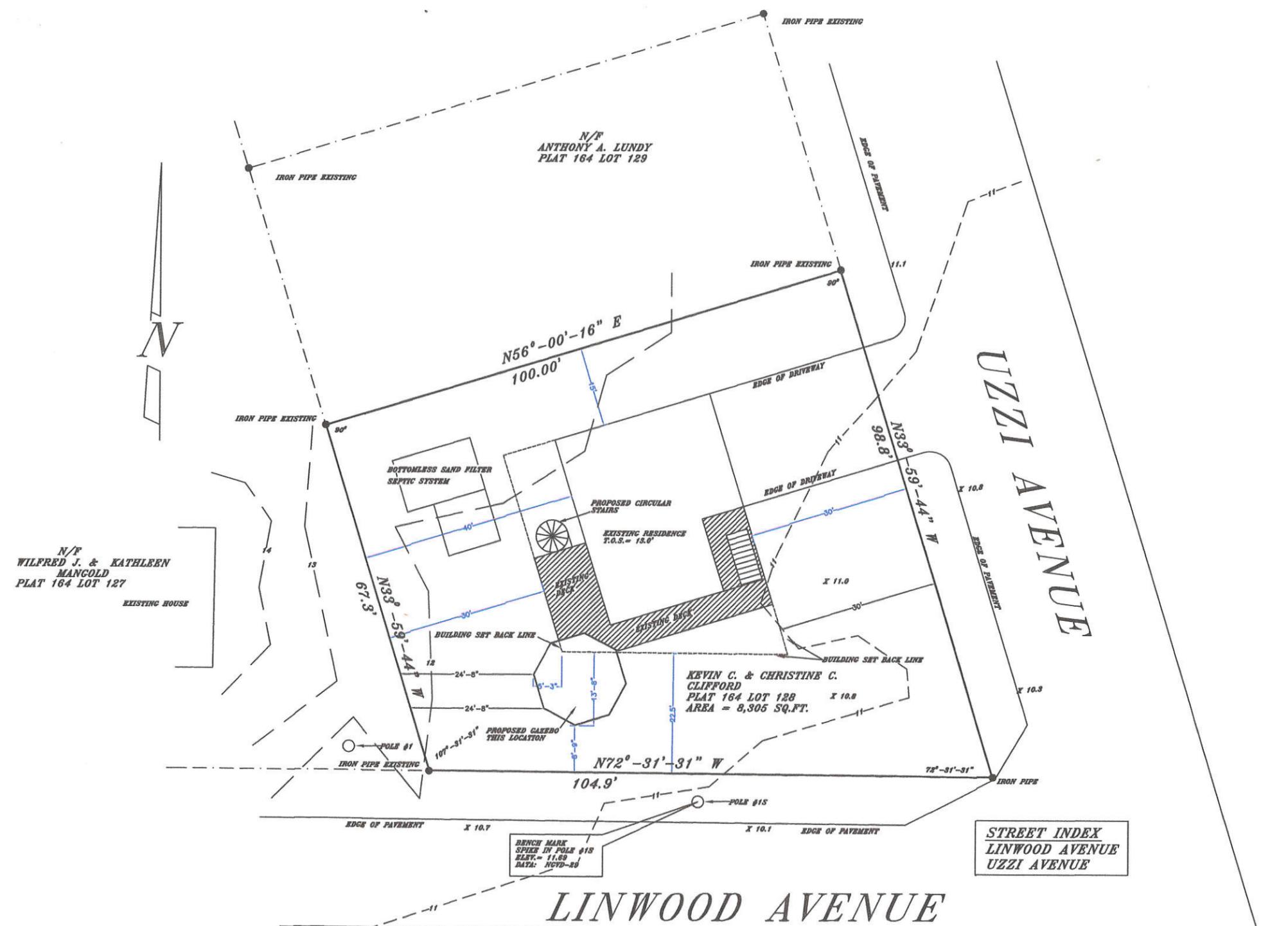
E THOMAS VIGUE  
ARCHITECTURAL DESIGN  
401-218-2751  
NEW GAZEBO TO EXISTING DECK

PREPARED BY  
E.T.V.  
DATE: 08/07/16  
REVISIONS:

PREPARED FOR  
KEVIN CLIFFORD  
42 UZZA AVE  
WESTERLY RI

PLAT 164  
LOT 128

NEW GAZEBO	NO. OF SHEETS
	1
	SHEET#
	1



DIMENSIONAL REGULATIONS

DISTRICT	HDR10 (FLOOD HAZARD)
USE	ANY
MIN. LOT SIZE	10,000 SQ. FT.
MIN. LOT FRONTAGE	80 FT.
MAX. % IMPERV. SURF.	25.0%
MAX. HGT. PRIN. BLDG.	25'
MAX. HGT. ACC. BLDG.	20FT.
MIN.FRONT YARD DEPTH	30'
MIN.COR. SIDE YARD DEPTH	22.5'
MIN. SIDE YARD DEPTH	15'
MIN. REAR YARD DEPTH	30'
MIN. ACCESS BLDG. SIDE	10'
MIN.ACCESS BLDG. REAR	20'

**LEGEND**

BORDER \_\_\_\_\_

EXISTING CONTOUR - - - - -

BUILDING SET BACK - - - - -

EXISTING CONTOUR - - - - -

IRON PIPE = ● SPOT GRACE X 10.5

Scale 1" = 10 ft

STREET INDEX  
LINWOOD AVENUE  
UZZI AVENUE

BENCH MARK  
SPIKE IN POLE #15  
ELEV. = 11.69  
DATA: NVD-88

FEMA DATA  
MAP NUMBER 44009C0254H  
ZONE AE (EL 11)  
PANEL 259 OF 368  
EFFECTIVE OCT 19 2010

THIS SITE IS IN A CRITICAL RESOURCE AREA

**CRITICAL RESOURCE AREA NOTES**

1. THERE ARE NO SHORELINE FEATURES ASSOCIATED WITH A COASTAL POND WITHIN 100' OF THE PROPOSED CONSTRUCTION
2. THERE ARE NO TRIBUTARIES, STORM OR SURFACE DRAINS DIRECTLY DISCHARGING INTO A COASTAL POND WITHIN 300' OF THE PROPOSED CONSTRUCTION.
3. THERE ARE NO ENJOINED WATERSHEDS TO SURFACE WATER RESERVOIRS INCLUDING PERENNIAL STREAMS DISCHARGING THERE TO AND ANY STORM OR SUBSURFACE DRAINS DISCHARGING DIRECTLY THERE TO WITHIN 300' OF THE PROPOSED CONSTRUCTION.

THIS SURVEY PLAN CONFORMS TO A CLASS II STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

BY.....  
REGISTERED PROFESSIONAL LAND SURVEYOR DATE

<b>GEORGE B. DUPONT P.E. P.L.S.</b> <b>ENGINEERING</b> 401-206-1275 <b>PROPOSED SITE PLAN</b>	PREPARED BY E.T.V.	PREPARED FOR KEVIN C. & CHRISTINE CLIFFORD 48 UZZI AVE WESTERLY RI 02891	NO. OF SHEETS 1
	DATE: 11/04/16		SHEET#  1
	REVISIONS:	PLAT 164 LOT 128	
	1" = 10'		