

ZONING

Application for Dimensional Variance

To: Westerly Zoning Board of Review  
Town Hall – 45 Broad Street  
Westerly, RI 02891

Date: May 30, 2017

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): RITAMAC LLC

Address: 117 Atlantic Ave, Westerly, RI c/o Adler Pollock & Sheehan PC, One Citizens Plaza, Providence, RI

Owner(s): RITAMAC LLC

Address: 117 Atlantic Ave, Westerly, RI

Lessee: N/A

Address: N/A

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: 117 Atlantic Ave, Westerly, RI

3. Plat: 176 Lot: 23 Zoning District: HDR-10 (High Density Residential)

911 Address: 117 Atlantic Ave, Westerly, RI

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

Frontage: 50' ; Depth: 200' +/- (varies with mean high water); Area: 10,018.8 square feet.

5. Present use of premises: Single family home

6. Proposed use of premises: Single family home

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

ZONING

8. How long have you owned the premises: Since September 2, 2016
9. Year that lot was platted and recorded: Approximately 1950s
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:  
1,170 square feet
13. Size (in square feet) of all proposed buildings and accessory structures:  
1,170 square feet (dwelling); 546 square feet (deck and steps)
14. Indicate the number of families to reside in the building: 1
15. Describe the extent of the proposed alterations: Elevate with addition of second floor to existing structure and renovate deck to meet FEMA Flood Zone requirements.
16. Indicate the section of the Westerly Zoning Ordinance under which application for **dimensional variance** is made: Sections 260-19 & 260-33.
17. State what relief is sought (dimensions, in number of feet):  
Left Side: 5.55 feet Right Side: 10.33 feet Rear: None Front: None Height: None
18. Clearly state the grounds for which this **dimensional variance** is sought:  
Please see Exhibit A.
19. Request for waiver: Indicate checklist items that are requested to be waived by the Zoning Board and the reasons for the request: None

Respectfully submitted:

Print Name: Attorney Elizabeth M. Noonan, on behalf of Applicant, RITAMAC LLC

Signature: EM Noonan, atty for owner & applicant

Address: One Citizens Plaza, 8th Floor, Providence, RI 02903

ZONING

Phone Number: 401-274-7200

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RITAMAC LLC  
117 Atlantic Ave, Westerly, RI  
Plat 176, Lot 23  
Application for Dimensional Variance  
Westerly Zoning Board

**EXHIBIT A**

**18. State grounds for request for relief sought in this case:**

RITAMAC LLC (“Applicant”) seeks to elevate and renovate an existing single-family residential home on Lot 23 on Atlantic Avenue (“Property”) in order to meet FEMA Flood Zone requirements. RITAMAC LLC is a company made up of multiple family members. Applicant purchased this Property with the intention of renovating the Property so it could meet the needs of an elderly family member to permanently reside as well as improve the Property with onsite wastewater treatment system and FEMA.

The Property is located in the HDR-10 Zoning District. The Property is presently a nonconforming lot of record and nonconforming by dimension. The Applicant meets all other requirements of the Westerly Zoning Ordinance (“Ordinance”), except Applicant needs relief as to left side-yard and right side-yard setback to elevate the Property in order to meet FEMA Flood Zone requirements and renovate the Property so it conforms with the nature of the surrounding homes (5.55 feet variance for the left side and 10.33 feet variance for the right side). Other than restoring a deck, the proposed elevation and renovation will take place within the existing footprint. Pursuant to Sections 260-19 and 260-33, a dimensional variance is requested for the side setback limits.

**GROUND FOR DIMENSIONAL VARIANCE**

Pursuant to Sections 260-19 & 260-33 of the Ordinance, Applicant plans to elevate and renovate an existing single family home to meet FEMA Flood Zone requirements.

The Applicant contends that the dimensional variance requested meets the standards set forth in Section 260-33 in the Ordinance, specifically:

- the hardship from which the Applicant seeks relief is due to the unique characteristics of the subject land and not to the general characteristics of the surrounding area because the Property is located next to other single-family homes and is a permitted use in the HDR-10 District. Additionally, because the Property is presently nonconforming and because FEMA Flood Zone requirements necessitate that the present structure on the Property be elevated, the configuration of the lot requires the side setbacks to be less than what is listed in the Ordinance. Further, the relief sought is not due to the physical or economic disability of the Applicant;
- the 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 but rather the Applicant seeks to comply with FEMA Flood Zone requirements and renovate the existing structure to conform with the nature of the surrounding properties. Additionally, the proposed use may enhance the property values of the surrounding homes. Accordingly, the request is not primarily from Applicant's desire to realize greater financial gain;

- the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Ordinance in that the Property is surrounded by other single-family homes and no substantial change to the use of the Property is proposed;
- the relief requested is the least amount of relief necessary in that the dimensional relief requested by the Applicant is limited to the side setback issues and the proposed renovation is within the existing footprint, which is presently nonconforming. While Applicant seeks a dimensional variance regarding side setbacks, the subject Property will conform to the required lot size, building height, frontage and front/corner yard requirements. Accordingly, the request is not contrary to the public interest and welfare; and
- the hardship that will be suffered by Applicant if the dimensional variance is not granted amounts to more than a mere inconvenience in that Applicant is required to comply with the FEMA Flood Zone requirements and seeks to renovate the Property to best utilize the Property for their family.

# Town of Westerly

Geographic Information System (GIS)

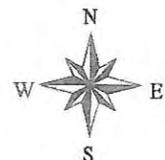


Date Printed: 5/23/2017



### MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Westerly and its mapping contractors assume no legal responsibility for the information contained herein.





17 - Parcels within 200 feet of 117 ATLANTIC AVE

Export to Excel

Create Mailing Labels

Print Radius Map

**Owner Name**  
**Address**  
**City State Zip**

165-098  
CLARK BRIAN A &  
25 PINE ST  
PAWLING NY 12564

165-100  
FUSARO LOUIS &  
141 CHESTNUT ST APT 301  
NEEDHAM MA 02492

165-013  
PAGE PAUL EUGENE &  
3 FISHERMANS AVE  
WESTERLY RI 02891

165-094  
VISNIC GEORGE &  
34 FAIRWAY DR  
WALLINGFORD CT 06492

176-022  
WPI ATLANTIC PROPERTIES LLC  
PO BOX 1327  
CHESHIRE CT 05410

176-016  
FATONE PAUL S  
23 BAILEY HGTS  
NORWICH CT 06360

176-021  
MISQUAMICUT FIRE DISTRICT  
PO BOX 2962  
WESTERLY RI 02891

165-096  
FRANCESKI THOMAS &  
6 DAVENPORT CIR  
CLIFTON PARK NY 12065

176-024  
SIMONELLI JOSEPH  
753 THOMPSON RD  
THOMPSON CT 06277

165-097  
BUTLER SUSAN P RTA DTD 5/28/14  
% BUTLER SUSAN P TRUSTEE  
SIMSBURY CT 06070

176-027  
MCPHEE MARCUS W REV TR  
1/4 MCPHEE MARCUS W TRUSTEE  
BRISTOL CT 06010

165-059  
TANDON MUKESH  
329 BARTON ST  
PAWTUCKET RI 02860-2917

176-023  
RITAMAC LLC  
86 BURGESS RD  
MORIS CT 06763

176-025  
D WATER ST REALTY LLC  
252 S BROAD ST  
PAWCATUCK CT 06379

165-092  
BOWMAN JAMES &  
8141 CLEARWATER PT  
PARKVILLE MO 64152

176-020  
MISQUAMICUT FIRE DISTRICT  
PO BOX 2962  
WESTERLY RI 02891

165-095  
LUPINACCI ANTHONY G  
4 SESAME ST  
WESTERLY RI 02891



ECOTONES, INC.  
ENVIRONMENTAL CONSULTANTS

PO BOX 1131  
EAST GREENWICH, RI 02818  
PHONE 401-256-5199  
FAX 401-256-5191

John and Susan Williams  
86 Burgess Road  
Morris, CT 06763

May 27, 2017  
Project 17048

RE: Wetland Evaluation Letter of Findings  
117 Atlantic Avenue, AP 176 Lot 23, Westerly

Ecotones, Inc. completed the evaluation on May 26, 2017. The inspection was performed in accordance with the State of Rhode Island Freshwater Wetlands Act, the Coastal Resources Management Council (CRMC) Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast and Coastal Resources Management Program (CRMP), and the US Army Corps of Engineers Programmatic General Permit (PGP).

No evidence of freshwater or coastal wetlands was observed on or in close proximity to the property. The closest wetlands appear to be 150 to 200 feet north behind existing houses across Atlantic Avenue. The lot is completely developed between coastal features on the seaward side and Atlantic Avenue inland.

Coastal features on the seaward side of the property include: Type 1 Tidal Water (Block Island Sound) backed by coastal beach, backed by coastal dike or dune, all as defined in the CRMP. Any work on the property will require an Assent from the CRMC.

The property is located within FEMA Zone VE (Elev. 15) – coastal flood zone with velocity hazard (wave action); base flood elevations determined (FEMA 2013).

If you have any questions regarding this letter or require additional information, please contact us at your convenience.

Sincerely,

Kevin Fetzer, Principal Biologist/Soil Scientist  
[kfetzer@ecotonesinc.com](mailto:kfetzer@ecotonesinc.com)

17048\_FWC\_CF\_Eval\_117AtlanticAveWesterly.docx

REFERENCES CITED:

Federal Emergency Management Agency (FEMA). 2013. Flood Insurance Rate Map, Washington County, Rhode Island, (all jurisdictions), Panel 254 of 368. Map Number 44009C0254J, Map Revised October 16, 2013.



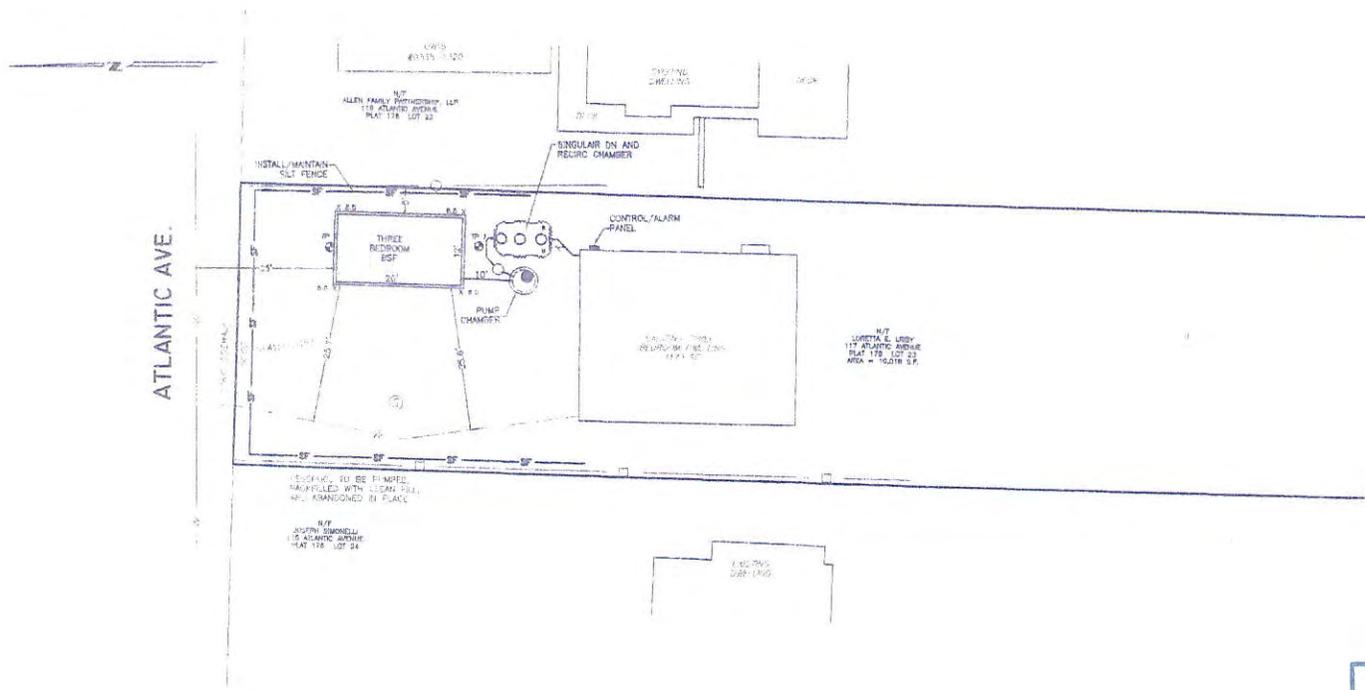


THIS PROPERTY IS LOCATED IN A CRITICAL RESOURCE AREA

- CRITICAL RESOURCE AREA NOTES:
1. THERE ARE NO SHOWING FEATURES ASSOCIATED WITH A COASTAL FLOOD WITHIN 200' OF THE PROPOSED OWTS.
  2. THERE ARE NO WETLANDS, BODIES OF SURFACE WATER, OR STREAMS DISCHARGING INTO A COASTAL FLOOD WITHIN 200' OF THE PROPOSED OWTS.
  3. THERE ARE NO SUBSURFACE DRAINAGE DOWN-DRAINAGE WITHIN 200' OF THE PROPOSED LEACHFIELD.
  4. THERE ARE NO KNOWN WELLS EXISTING OR PROPOSED WITHIN 200' OF THE PROPOSED OWTS (OTHER THAN THOSE REFERENCED IN THE PLAN).
  5. THERE ARE NO KNOWN WATERSHEDS TO SURFACE WATER (EXCEPT FOR KNOWN PERSONAL STREAMS DISCHARGING THERE TO AND ANY STREAM OR SUBSURFACE DRAINAGE DISCHARGING DIRECTLY THERE TO) WITHIN 200' OF THE PROPOSED OWTS.



LOCATION MAP



ATLANTIC AVE.

APPROX. MHW

Make any changes to this plan only if approved by the engineer. No other changes are permitted. If you have any questions, please contact the engineer.

*[Handwritten signature]*

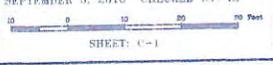
- Legend
- EXISTING SPOT ELEVATIONS
  - EXISTING UTILITY POLES
  - EXISTING WATER GATE
  - PROPOSED SBT FENCE
  - EXISTING WATER LINE



**OWTS PLAN**  
 PREPARED FOR  
**RITAMAC, LLC**  
 117 ATLANTIC AVENUE  
 AP 176 LOT 23  
 WESTERLY, RHODE ISLAND  
 SCALE: 1"=10'  
 SEPTEMBER 5, 2016 DRAWN BY: RF  
 CHECKED BY: RF

PLAN REVISIONS	
DATE	DESCRIPTION
12/25/16	ISSUE

**SEPTIC PRESERVATION RI**  
 100 Main Street  
 Westerly, RI 02891  
 (401) 873-8811  
 www.septicpreservation.com



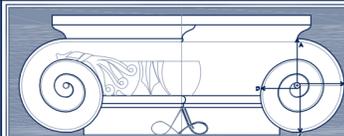
SHEET: (1-1)

# A BEACH FRONT COTTAGE

ELEVATING AN EXISTING COTTAGE TO MEET CURRENT FEMA FLOOD ZONES  
117 ATLANTIC AVE, WESTERLY, RI

## EXISTING CONDITIONS

ELEVATIONS BASED ON WESLEY GRANT III 9.1.16



ARNOLD DESIGN GROUP  
DBA H.L. ARNOLD, JR. & ASSOCIATES  
DESIGN • SPECIFICATIONS • CLERKING • CONSULTING  
H. L. ARNOLD, JR. • M. R. ARNOLD  
WESTERLY, RHODE ISLAND  
401 • 596 • 2715 • ARNOLDDDES@AOL.COM

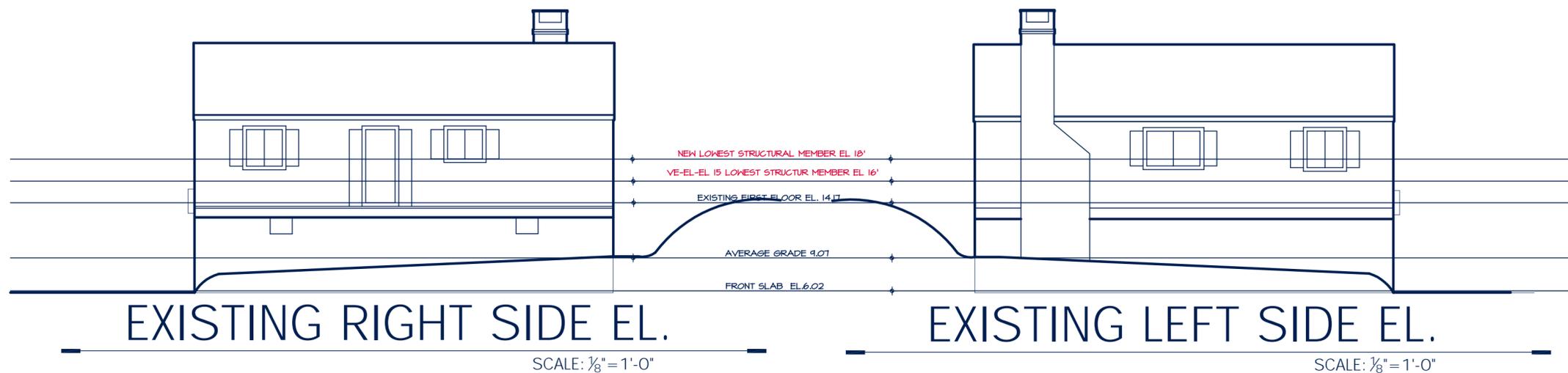
117 ATLANTIC AVE  
PLAT 176 LOT 23  
VE-BFE EL 15'

DATE: MARCH 2017

### EXISTING CONDITIONS

#### DRAWING LIST

A1 - EXISTING ELEVS AND ELE HEIGHTS	
A2 - EXISTING FLOOR PLANS	

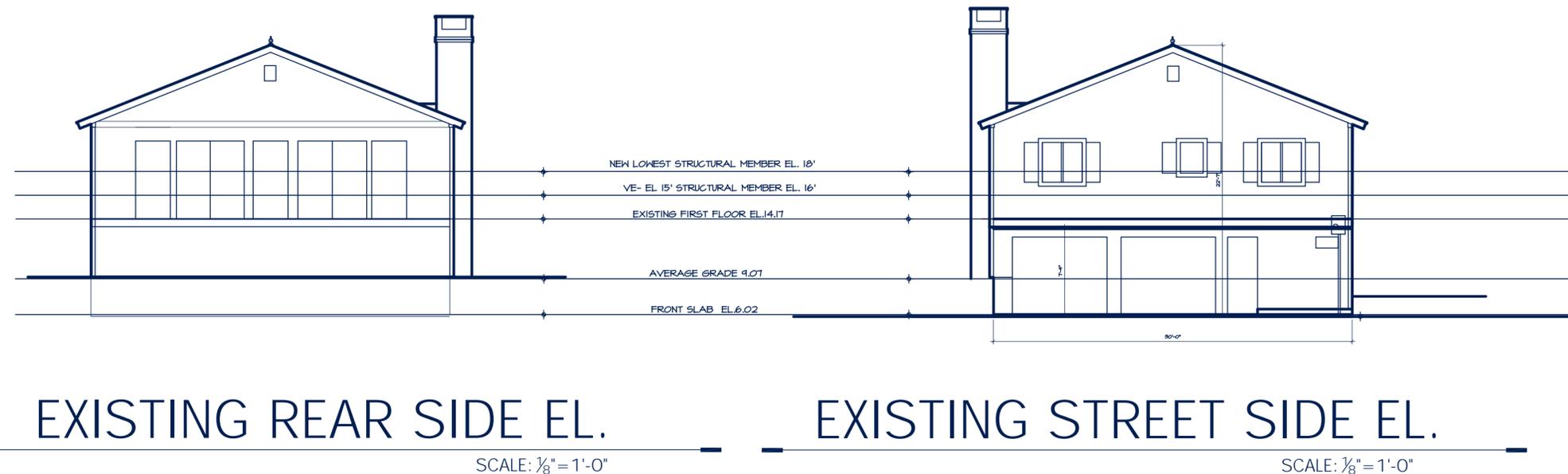


EXISTING RIGHT SIDE EL.

SCALE: 1/8" = 1'-0"

EXISTING LEFT SIDE EL.

SCALE: 1/8" = 1'-0"



EXISTING REAR SIDE EL.

SCALE: 1/8" = 1'-0"

EXISTING STREET SIDE EL.

SCALE: 1/8" = 1'-0"

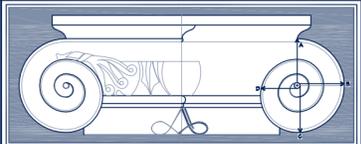

THESE CONSTRUCTION DOCUMENTS COMPRISE A SET AND ARE TO BE READ AS SUCH. NO DRAWING SHALL BE REMOVED FROM THIS SET WITHOUT THE WRITTEN CONSENT OF THE ARNOLD DESIGN GROUP.

IT IS THE INTENT OF THESE DOCUMENTS TO PROVIDE SUFFICIENT INFORMATION TO THE EXPERIENCED BUILDER TO CONSTRUCT THE PROJECT SHOWN. IT IS THEREFORE HIS RESPONSIBILITY TO VERIFY ACCURACY AND COMPLIANCE WITH ALL REGULATORY AGENCIES PRIOR TO CONSTRUCTION. THEIR REQUIREMENTS MUST TAKE PRECEDENCE OVER THOSE SHOWN AND FIELD ADJUSTMENTS MADE ACCORDINGLY.

DRAWINGS ARE NOT TO BE SCALED, USE DIMENSIONS ONLY. EACH CONTRACTOR MUST CHECK ALL CONDITIONS AND DIMENSIONS ON THE JOB SITE. ANY DISCREPANCIES OR OMISSIONS FROM THE PLANS AND/ OR SPECS MUST BE CALLED TO THE ATTENTION OF THE ARNOLD DESIGN GROUP PRIOR TO PERFORMING WORK.

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AB1



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117 ATLANTIC AVE  
 PLAT 176 LOT 23  
 VE-BFE EL 15'

DATE: MARCH 2017

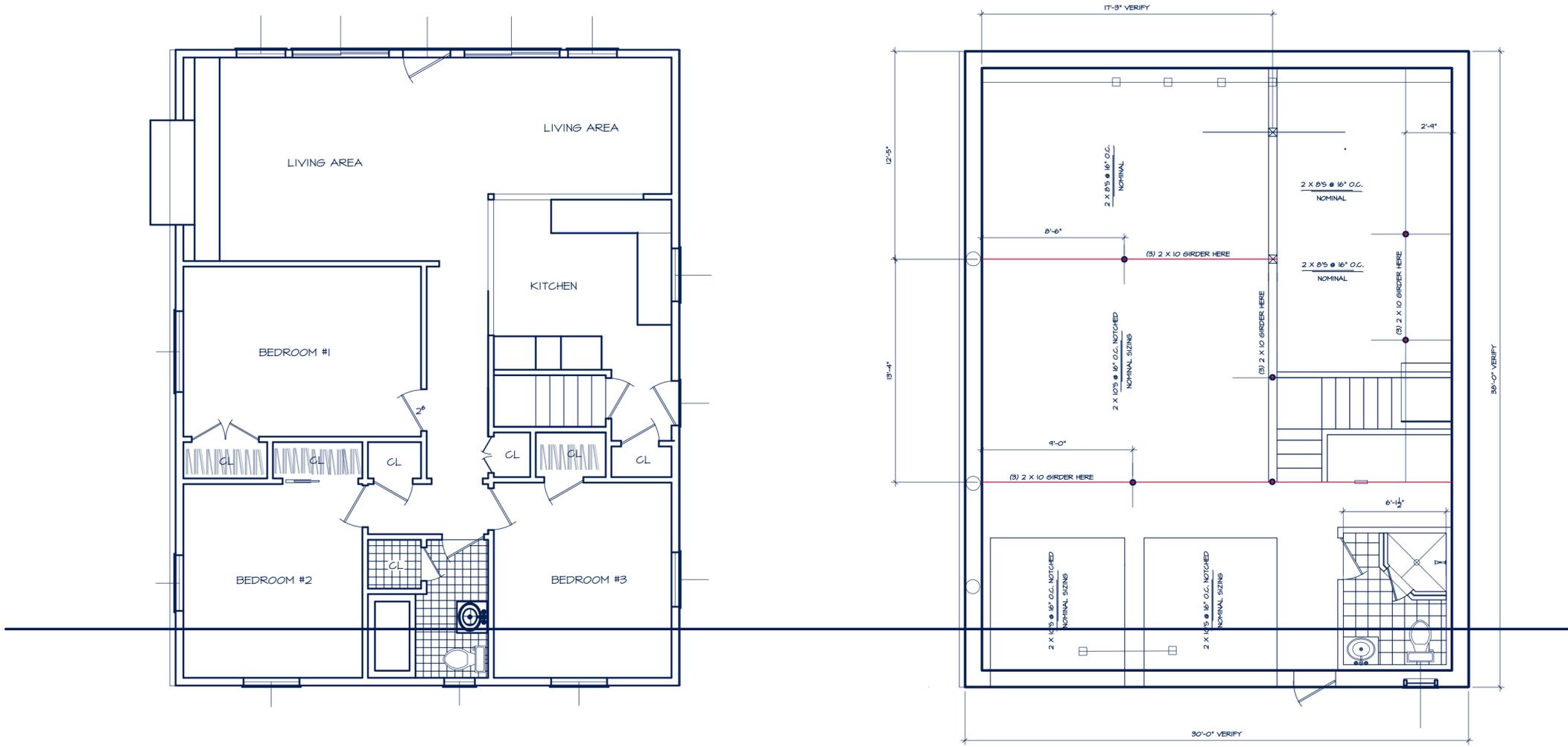
◇ EXISTING CONDITIONS ◇

DRAWING LIST

A1 - EXISTING ELEVATIONS AND ELEVATION HEIGHTS	
A2 - EXISTING FLOOR PLANS	

# A BEACH FRONT COTTAGE

ELEVATING AN EXISTING COTTAGE TO MEET CURRENT FEMA FLOOD ZONES  
 117 ATLANTIC AVE, WESTERLY, RI



## EXISTING FLOOR PLAN /FDN PLAN

SCALE: 3/16" = 1'-0"

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IT IS THE INTENT OF THESE DOCUMENTS TO PROVIDE SUFFICIENT INFORMATION TO THE EXPERIENCED BUILDER TO CONSTRUCT THE PROJECT SHOWN. IT IS THEREFORE HIS RESPONSIBILITY TO VERIFY ACCURACY AND COMPLIANCE WITH ALL REGULATORY AGENCIES PRIOR TO CONSTRUCTION. THEIR REQUIREMENTS MUST TAKE PRECEDENCE OVER THOSE SHOWN AND FIELD ADJUSTMENTS MADE ACCORDINGLY.

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AB2



Town of Westerly  
Rhode Island

DEPARTMENT OF PLANNING  
AND CODE ENFORCEMENT



Town Hall  
45 Broad Street  
Westerly, RI 02891

## Zoning Narrative

Date: **July 7, 2017**  
Petitioner: **RITMAC, LLC**  
Location: **117 ATLANTIC AVE**  
**Assessor's Plat/Lot '176-023'**  
**Zoning Submittal No. 17/2450**

### SUMMARY:

The petitioner is requesting **left side-yard and right side-yard setback variance** from §260-19 (Minimum Dimensional Requirements) of the Zoning Ordinance to **raise and renovate, with addition of second floor, the existing cottage and renovate deck to meet FEMA Flood Zone requirements** at the above-referenced property.

### FINDINGS OF FACT:

#### *Existing Conditions*

- A. Parcel 176-023 consists of approximately 10018.8 SF of land area with 50' of frontage on 117 Atlantic Ave. This parcel is located in an HDR-10 (SFR in VE BFE=15 Flood Zone) Zoning District.
- B. Lot 176-023 contains existing one story single family residence.

#### *Current Proposal*

- C. The applicant is proposing to **raise and renovate, with addition of second floor, the existing cottage and renovate deck to meet FEMA Flood Zone requirements**. The proposed structure and decks encroaches into the **left side-yard and right side-yard setback variance** associated with this property. The deck requires **10.33' right side-yard setback variance** and the structure requires a **5.55' left side setback variance** from §260-19 Minimum Dimensional Requirements of the Zoning Ordinance.

HDR-10 (SFR in Flood Zone) Dimensional Requirements	Dimensional Information			
	Primary Structure (Required)	Accessory Structure (Required)	Proposed	Variance(s)
Right Side-yard	15'	10'	4.67	<b>10.33'</b>
Left Side-yard	15'	10'	9.45	<b>5.55'</b>

- D. Within the Zoning Application, the petitioner states grounds for request for relief sought for dimensional variance in **Attachment A**.
- E. At the 06-07-2017 Zoning Board meeting the applicant requests waivers for the following checklist items associated with this application: NONE.

## **RELIEF REQUESTED**

### §260-19 (Minimum Dimensional Requirements)

#### **5.55' Left Side-yard Setback Variance**

#### **10.33' Right Side-yard Setback Variance**

## **STANDARDS TO BE MET**

In accordance with §260-33 Variances of the Zoning Ordinance, in granting variances the Zoning Board shall require that evidence satisfying the following standards be entered into the record of the proceedings:

1. That the hardship from which the applicant 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 is not due to a physical or economic disability of the applicant;
2. That the 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;
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which this chapter is based; and
4. That the relief to be granted is the least relief necessary.

In addition to the above standards, the Zoning Board shall require that evidence be entered into the record of the proceedings that:

5. 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 beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

## **RECCOMENDATION**

Staff is comfortable with this request. The footprint of this existing property is dimensionally nonconforming. The current footprint is not being expanded. Due to this property being in a VE BFE=15 FEMA flood zone it is required to renovate the structure to meet the flood zone requirements. The existing footprint of the structure and decks matches the non-conforming nature of the proposed renovated structure's footprint. The proposed renovations do not exceed the existing non-conforming footprint.