

ZONING

Application for Dimensional Variance

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

Date: 12 Oct. 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): Adam J. Girard Address: 48 Chriswell Drive, Simsbury, CT 06010

Owner(s): Barbara Malone, John R. Payne, Jr. Address: 46 Granite Street, Westerly, RI 02891

Susan S. Dinoto

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: 457 Atlantic Avenue, Westerly, RI 02891

3. Plat: 155 Lot: 46 Zoning District:

911 Address: 457 Atlantic Avenue, Westerly, RI 02891

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

47' X 299' 13,068 sq. ft. (0.3 acres)

5. Present use of premises: Beach cottage / cabana

6. Proposed use of premises: Single family dwelling

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

ZONING

8. How long have you owned the premises: Family owned 80+ years
9. Year that lot was platted and recorded: 1912
10. Have you submitted plans to the Zoning Inspector: _____
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: 14' X 14' (196 sq. ft.)
13. Size (in square feet) of all proposed buildings and accessory structures:
single family dwelling, 2240 sq. ft., existing accessory structure (shed) 196 sq. ft.
14. Indicate the number of families to reside in the building: One (1)
15. Describe the extent of the proposed alterations: New construction
16. Indicate the section of the Westerly Zoning Ordinance under which application for **dimensional variance** is made: 260-33 variances
17. State what relief is sought (dimensions, in number of feet):
Side: 5.5' Side: 5.5' Rear: _____ Front: _____ Height: _____
18. Clearly state the grounds for which this **dimensional variance** is sought:
Pursuant to Sections 260-19 & 260-33 of the Ordinance, Applicant plans to remove the 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 relocated and 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 remove and relocate 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 in 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 dwelling, 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 is 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.


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: ADAM GIRARD

Signature: 

Address: 48 CHRISWELL DRIVE, SIMSBURY, CT 06070

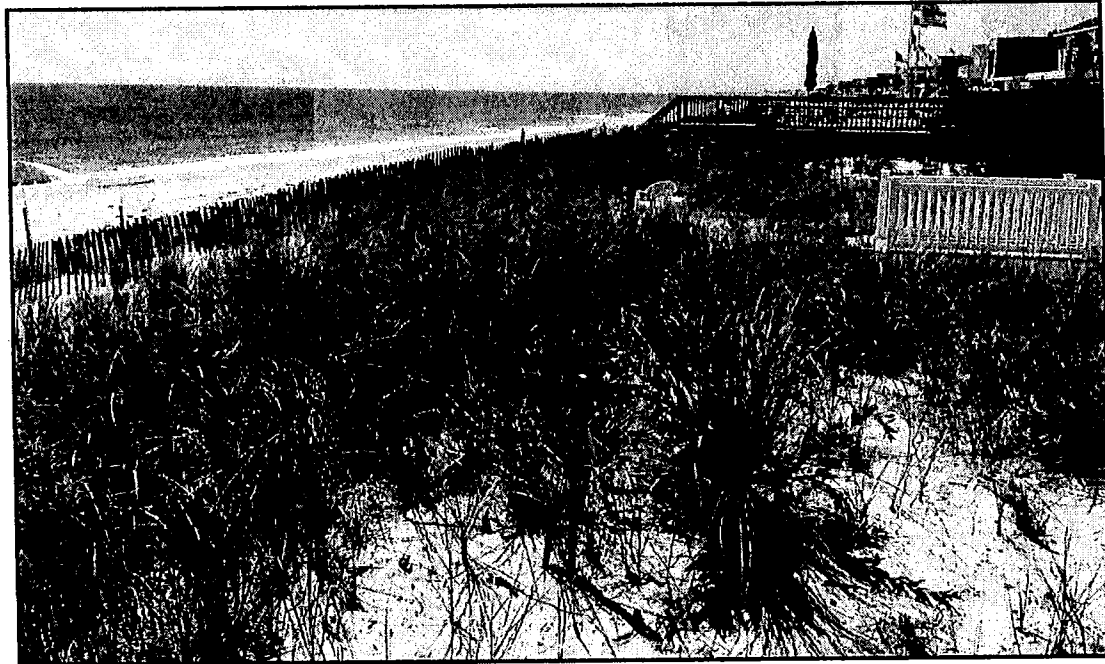

att. fo. Applicant



Natural Resource Services, Inc.

**Report of Findings for
Coastal Feature Delineation**

*457 Atlantic Avenue
A.P. 155, Lot 46
Westerly, Rhode Island*



Prepared for:

John R. Payne, Jr.
46 Granite Street
Westerly, RI 02891

Report (NRS File No. 17-242) Prepared by:

Scott P. Rabideau, PWS

August 16, 2017

Introduction

Natural Resource Services, Inc. (NRS) has completed its coastal feature delineation within the subject parcel. This field work was performed in accordance with the definitions and standards of the RI Coastal Resources Management Program (CRMP). The coastal feature on the property falls under the regulating authority of the RI Coastal Resources Management Council (CRMC).

NRS staff biologist Edward Avizinis completed this field work on August 10, 2017. The regulatory section of this report will detail the classification of the identified feature and the jurisdictional limits that may be applied under the CRMP.

Geographic Information System (GIS) graphics are included as appendices to this report. A coastal feature was GPS located using a Trimble GeoXT 6000 hand-held unit. GPS data points have been overlain onto an accompanying graphic to depict the location of the resource areas. Although these graphics are not to be considered surveys, they are reasonable approximations of the site conditions which may be used for preliminary planning purposes.

This report has been prepared in fulfillment of your client contract dated July 26, 2017. Do not hesitate to contact NRS if you have any questions or if you require additional copies of this report. A copy of this report and the accompanying graphics has been forwarded to your engineer, William Dowdell, for his use.

Existing Conditions

The tax assessor's database for the Town of Westerly lists the property as an approximate 0.31 parcel. This property is situated along the south side of Atlantic Avenue and has frontage on the Atlantic Ocean. This portion of the ocean is regulated under the CRMP as a Type 1 Water, a designation that is reserved as a conservation area. The property also features an existing single-family residence which, according to the database, dates back to 1938 in the year of its construction. The parcel also lies within the town's HDR-10 zoning district, a land-use designation that is generally reserved for high-density residential development.

There is a coastal feature in the form of a dune along the southernmost portion of the property. This dune is regulated as outlined in Section 210.7 of the CRMP. It is also important to note that the entirety of the parcel falls within a CRMP Developed Barrier as defined in Section 210.2.

Soil Conditions

The Rhode Island Soil Survey (2015) depicts the entirety of the property as being comprised of the Hooksan sand soil series, a non-hydric soil typical of such coastal areas. The NRS findings were fairly consistent with that of the soil survey.

Coastal Feature Delineations

NRS has established and GPS located one (1) delineation flag series on the subject property. Flagging labeled DC1 – DC3 depicts the location of the dune crest. The coastal feature is actually the point measured 25 feet landward of the dune crest. Therefore, you must add 25 feet to each NRS flag to identify the coastal feature limit, or foredune limit. This feature is subject to the buffer zone and setback requirements established in Sections 140 and 150 of the CRMP. It is from the inland edge of the foredune zone that all setbacks and buffer zones are measured.

Jurisdictional Limits

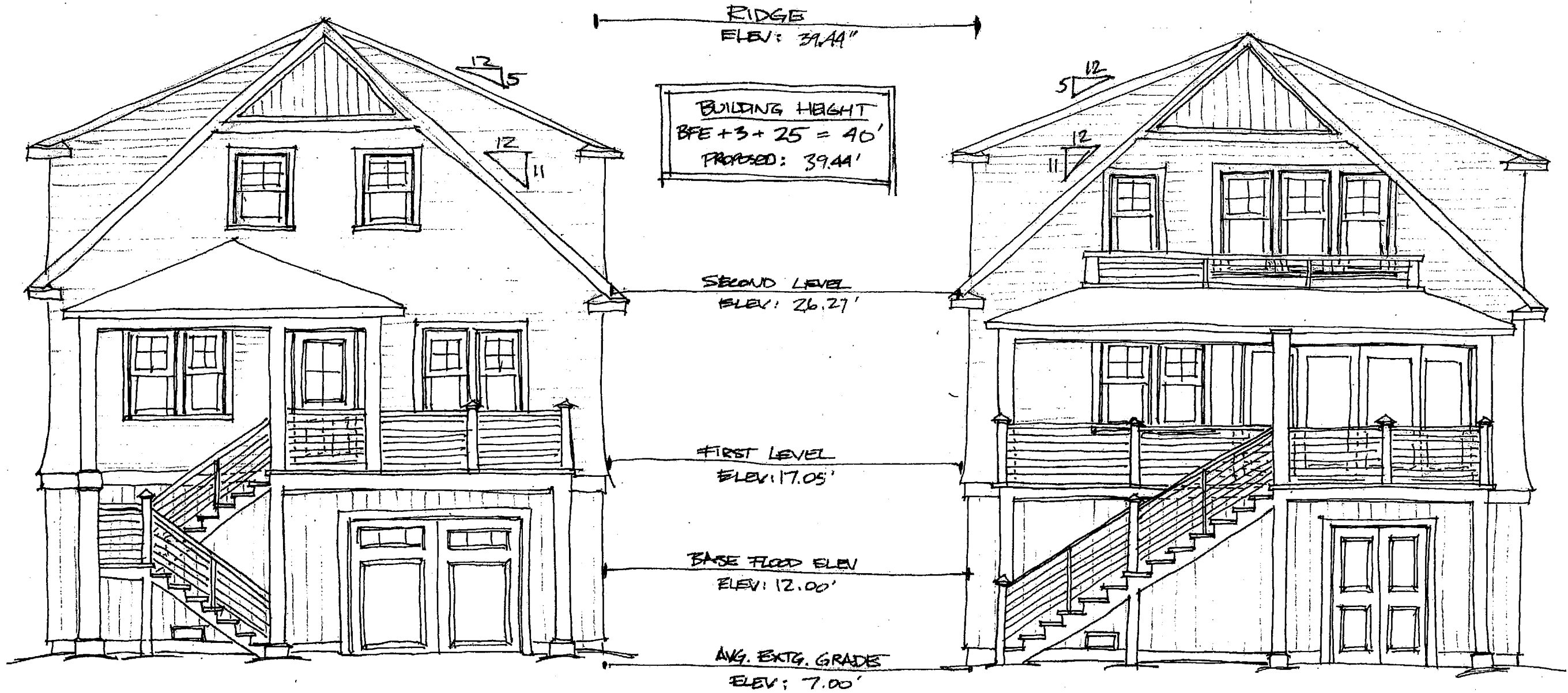
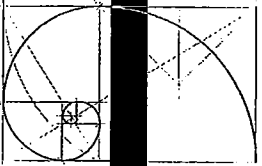
The CRMP provides the CRMC with regulatory jurisdiction over all land-use activities within 200 feet of the delineated coastal feature. In this case, this 200-foot limit extends beyond the limits of the existing dwelling.

There is currently no vegetated buffer zone between the existing dwelling and identified coastal feature. Section 140 of the CRMP requires a 50 foot setback for all construction on lots which do not have buffer zones. The existing structure falls within this setback. Therefore any alterations to the dwelling will be subject to the special criteria the CRMP applies to residences located on developed barriers where the coastal feature is a dune. Table 4a of the CRMP lists these development restrictions.

Summation

This report has been prepared to describe the field work performed by NRS. There is a coastal feature on the property which falls under the regulating authority of the CRMC. Any work proposed within the CRMP's 200-foot jurisdictional envelope shall require approval in the form of a permit from the CRMC. There is also a 50-foot setback applied from the landward extent of the foredune zone as described above. Because this parcel is located within a developed barrier with a dune as the coastal feature, dwelling rebuilds or additions which fall within the 50 foot setback are subject to the restrictions found within Table 4a in Section 300.14 of the CRMP. I have enclosed a copy of this table as an attachment to this letter. Please do not hesitate to contact NRS if you have any questions or require elaboration on the findings of this report.

Appendix



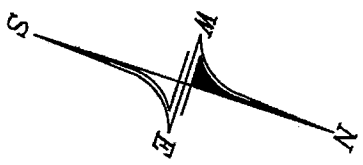
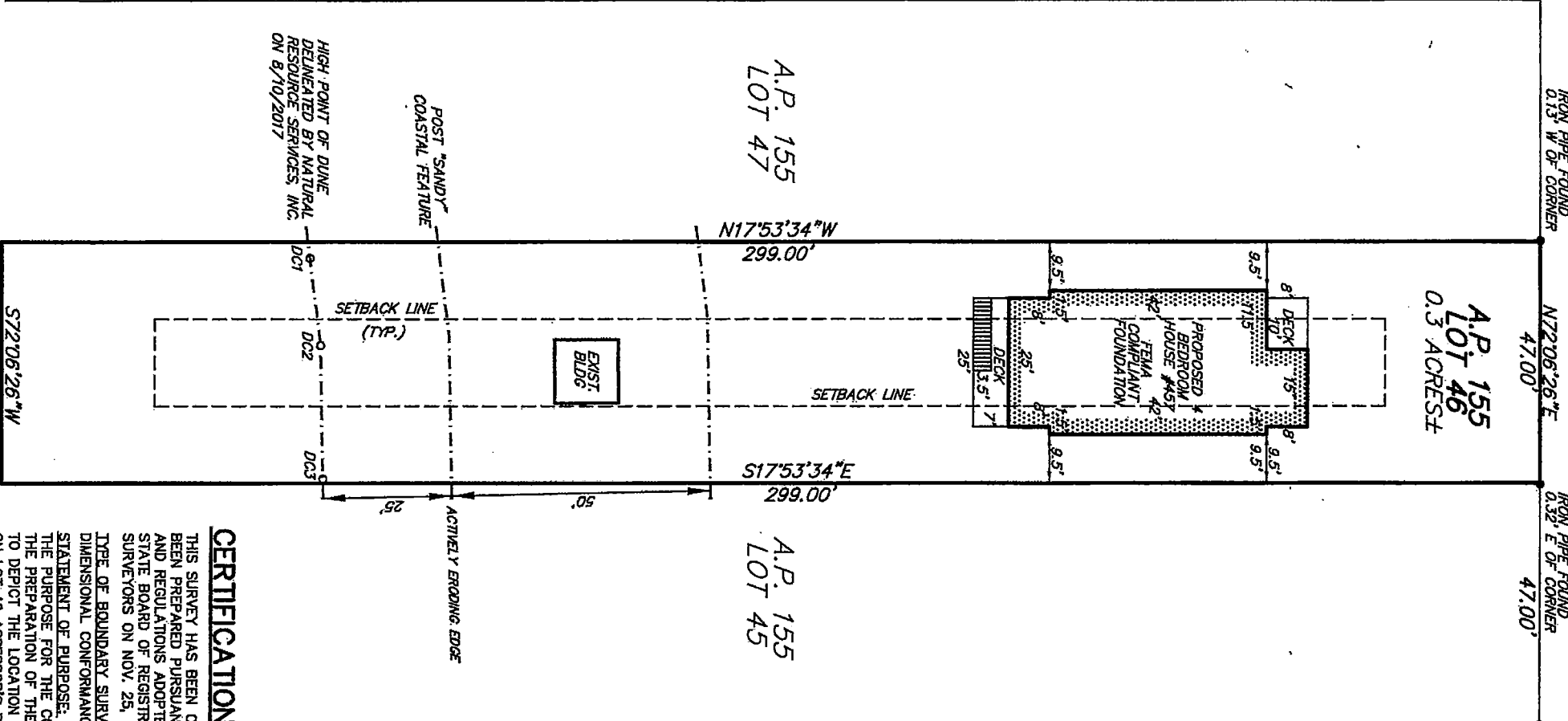
THE GIRARD RESIDENCE
 North (Front) Elevation
 Scale: 3/16"=1'-0"
 Date: 9.20.2017

THE GIRARD RESIDENCE
 South (Rear) Elevation
 Scale: 3/16"=1'-0"
 Date: 9.20.2017

ATLANTIC AVENUE

ZONING DISTRICT-R10

MINIMUM YARD REQUIREMENTS:
 FRONT SETBACK 30 FEET
 SIDE SETBACK 15 FEET
 REAR SETBACK 30 FEET



RICHARD L. COUCHON
 No. 9121117
 PROFESSIONAL
 LAND SURVEYOR
 No. 1820

CERTIFICATION:

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOV. 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION
 DIMENSIONAL CONFORMANCE SURVEY

STATEMENT OF PURPOSE:

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
 TO DEPICT THE LOCATION OF A PROPOSED HOUSE ON LOT 46 ASSESSOR'S PLAT 155

BY: *Richard L. Couchon* 9/21/17
 RICHARD L. COUCHON, RPLS #1820
 CERTIFICATE OF AUTHORIZATION #000A428



BLOCK ISLAND SOUND

BEACH

DOWDELL ENGINEERING, INC.

P.O. BOX 1684 - 3949 OLD POST ROAD
 CHARLESTOWN, RHODE ISLAND 02813
 (401) 364-1027 FAX (401) 364-0854

PLOT PLAN

SCALE: 1" = 30'

ASSESSOR'S PLAT 155
 LOT 46
 457 ATLANTIC AVENUE
 WESTERLY, RHODE ISLAND

PREPARED FOR:

HELEN GIRARD

| | | |
|----------------|-------|----|
| DATE: 07/27/17 | SHEET | OF |
| REV: 08/16/17 | 1 | 1 |
| 09/13/17 | | |
| 09/21/17 | | |

TOWN OF WESTERLY, RHODE ISLAND

| Parcel ID | Site Address | Owner Name | Co-Owner Name | Mailing Address | Mailing City | Mailing | Mailing Zip |
|-----------|----------------------|---|------------------|--|---------------|---------|-------------|
| 167-001 | 451 ATLANTIC AVE | KENNEDY SANDRA E | | 770 S BROOKSVALE RD | CHESHIRE | CT | 06410- 0000 |
| 168-001 | 453 ATLANTIC AVE | COURNOYER ROGER N IQPR TRUST | | % COURNOYER ROGER & ROSEMARY, 167 Newport Avenue | RUMFORD | RI | 02916- 0000 |
| 155-043 | 463 ATLANTIC AVE | STELLITANO JOHN BRUNO LIV TRUST | | % STELLITANO JOHN B TRUSTEE, 123 Granite Street | WESTERLY | RI | 02891- 0000 |
| 155-043F | 463 ATLANTIC AVE | VOCATURA JOSHUA M | | 55 BROWN SCHOOL RD | PRESTON | CT | 06365- 0000 |
| 154-006 | 448 ATLANTIC AVE | BARRON WILLIAM P & | BARRON BARBARA | 351 SUMMITWOOD DR | KENSINGTON | CT | 06037- 0000 |
| 155-042 | ATLANTIC AVE ROW #10 | TOWN OF WESTERLY | | 45 BROAD ST | WESTERLY | RI | 02891- 0000 |
| 155-043C | 463 ATLANTIC AVE | MICKMAYS LLC | | 130 FRANKLIN ST | WESTERLY | RI | 02891- 0000 |
| 155-048 | 454 ATLANTIC AVE | VOCATURA HATTIE G TRUST | | C/O HATTIE G VOCATURA TRUSTEE, 9 Boy Scout Drive | WESTERLY | RI | 02891- 0000 |
| 154-008 | 452 ATLANTIC AVE | BROCCOLI RICHARD J & | BROCCOLI LORI | 24 JOSEPH CT | CARMEL | NY | 10512- 0000 |
| 155-043D | 463 ATLANTIC AVE | TOBIN JAMES M & | WHALEY TOBIN ANN | 14 SUNNYBROOK LN | CANTON | MA | 02021- 0000 |
| 155-045 | 459 ATLANTIC AVE | RONNIE LEONARD H JR | | 11 ALGONQUIN TRL | SADDLE RIVER | NJ | 07458- 0000 |
| 155-047 | 455 ATLANTIC AVE | FEDERICO MARY ELIZABETH ET AL | | 13 OSPREY COMMONS SOUTH | CLINTON | CT | 06413- 0000 |
| 155-050 | 460 ATLANTIC AVE | CHOLAWA WILLIAM A & | CHOLAWA REBEKAH | 460 ATLANTIC AVE | WESTERLY | RI | 02891- 0000 |
| 155-051 | 462 ATLANTIC AVE | JAREM NICHOLAS P & | JAREM SANDRA L | 51 BURR RD | BLOOMFIELD | CT | 06002- 0000 |
| 167-002 | 449 ATLANTIC AVE | TRIVERS PAUL & MARGARET LT DTD 5/30/14 | | 449 ATLANTIC AVE | WESTERLY | RI | 02891- 0000 |
| 155-049 | 458 ATLANTIC AVE | PASCUZZI ANGELO F | | 458 ATLANTIC AVE | WESTERLY | RI | 02891- 0000 |
| 155-040 | 467 ATLANTIC AVE | WISE PETER J & | WISE WEDAD | 1200 NE 2ND ST | FT LAUDERDALE | FL | 33301-1738- |
| 155-053 | 466 ATLANTIC AVE | STELLITANO MARY VIRGINIA LT | | MARY V STELLITANO TRUSTEE, 123 Granite Street | WESTERLY | RI | 02891- 0000 |
| 155-041 | 465 ATLANTIC AVE | BROWN JUDITH W | | 46 SOUTH RD | HARWINTON | CT | 06791- 0000 |
| 155-043E | 463 ATLANTIC AVE | JAREM NICHOLAS P & | JAREM SANDRA L | 51 BURR RD | BLOOMFIELD | CT | 06002- 0000 |
| 155-044 | 461 ATLANTIC AVE | TREFES ELIAS H & | TREFES VERA JEAN | 461 ATLANTIC AVE | WESTERLY | RI | 02891- 0000 |
| 155-046 | 457 ATLANTIC AVE | MALONE BARBARA S ET AL | | % PAYNE JOHN R JR, 46 Granite Street | WESTERLY | RI | 02891- 0000 |
| 155-043A | 463 ATLANTIC AVE | VOCATURA HATTIE G TRUST | | C/O HATTIE G VOCATURA, 9 Boy Scout Drive | WESTERLY | RI | 02891- 0000 |
| 155-043B | 463 ATLANTIC AVE | CARR JOAN A LIVING TRUST | | 5 E STUART ST | WESTERLY | RI | 02891- 0000 |
| 155-052 | 464 ATLANTIC AVE | VOCATURA JOSHUA M | | 55 BROWN SCHOOL RD | PRESTON | CT | 06365- 0000 |