

Town of Westerly
Rhode Island

Department of
Development Services



Town Hall
45 Broad Street
Westerly, RI 02891

Zoning Narrative

Date: **July 7, 2017**
Petitioner: **Bruce Jacques**
Location: **163 Potter Hill Road**
Assessor's Plat 8, Lot 032-2
Zoning Submittal No. 16/2132

SUMMARY:

The petitioner is requesting a **front-yard setback variance, left side-yard setback variance and right side-yard setback variance** from §260-19 (Minimum Dimensional Requirements) of the Zoning Ordinance to **construct a 24' x 24' garage** at the above-referenced property.

FINDINGS OF FACT:

Existing Conditions

- A. Parcel 8-32-2 consists of approximately 0.92 acres of land area with approximately 56 feet of frontage on Potter Hill Road. This parcel is located within an LDR-40 Zoning District.
- B. This property contains an existing 23' x 23' single-family dwelling.

Current Proposal

- C. The applicant is proposing to **construct a 24' x 24' x 14' two car garage totaling 576 square feet.**
- D. The proposed garage encroaches into the 40' front-yard setback, 30' left side-yard setback and 30' right side-yard setback associated with this property. The garage requires a **2.8' front-yard setback variance, 6.5' left side-yard setback variance, 6' right side-yard setback variance and 157 sq. ft. accessory structure size variance** from §260-19 Minimum Dimensional Requirements of the Zoning Ordinance.

Dimensional Information				
LDR-40 Dimensional Requirements	Primary Structure (Required)	Accessory Structure (Required)	Proposed	Variances
Front-yard	40'	N/A	37.2'	2.8'
Right Side-yard	30'	N/A	24'	6'
Left Side-yard	30'	N/A	23.5'	6.5'
Accessory Structure Size	N/A	< Primary Structure	576 sq. ft.	157 sq. ft.

- E. Within the Zoning Application, the petitioner states "2 car garage for storage."
- F. At the April 5, 2017 Zoning Board meeting, the applicant was granted their request of waivers for the following checklist items associated with this application:
 - i. Item C – Letter from a biologist indicating that there are no coastal or freshwater wetlands on or in proximity to the site.

- ii. Item D – RIDEM On-Site Wastewater System approval or change of use permit.

RELIEF REQUESTED

§260-19 (Minimum Dimensional Requirements)

2.8' Front-yard Setback Variance

6.5' Left Side-yard Setback Variance

6' Right Side-yard Setback Variance

157 sq. ft. Accessory Structure Size 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.

RECOMMENDATION

Staff is concerned as to the size of the proposed two car garage (576 square feet) in relation to the property's principal building (419 square feet, or 180 square feet less than the size of the proposed garage) as well as the placement of the proposed two car garage within the front-yard setback. The Zoning Ordinance, specifically §260-66 Accessory Structures, states no accessory structure shall be permitted which exceeds the size of the principal structure and no accessory structure may be located in any part of the required front or corner side yards. Staff suggests that the applicant explain the proposed use more specifically as a means of justifying the variances requested while keeping in mind that the definition of an 'accessory structure' is "*A structure or use that is clearly incidental to and customarily found in connection with a principal building...It is subordinate to and serves a principal building, and contributes to the comfort, convenience, or necessity of the occupants...located in the principal building being served.*"

ZONING

Application for Dimensional Variance

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): Seth Wolfe Address: 28 Breton Dr. charlestown RI 02813
Owner(s): Bruce Jacques Address: 163 Potter hill Rd. Westerly RI 02891
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: 163 Potter hill Rd

3. Plat: 8 Lot: 32-2 Zoning District:

911 Address:

4. Dimensions of lot: (frontage) feet by (depth) feet; Area (square feet or acres): 57.28 x 195.21

5. Present use of premises: Residence

6. Proposed use of premises: 24x24 garage

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



ZONING

8. How long have you owned the premises:
9. Year that lot was platted and recorded:
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 house 24x28
672 sqft
13. Size (in square feet) of all proposed buildings and accessory structures: 24x24 576 sqft
14. Indicate the number of families to reside in the building: 1
15. Describe the extent of the proposed alterations: 2 car garage
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: 6.0 Side: 6.5 Rear: _____ Front: 2.8 Height: _____ size 157 sqft ^{SW}
18. Clearly state the grounds for which this **dimensional variance** is sought: 2 car garage for storage
19. Request for waiver: Indicate checklist items that are requested to be waived by the Zoning Board and the reasons for the request:
C+D

Respectfully submitted:

Print Name: Seth Wolfe

Signature: [Handwritten Signature]

Address: 28 Breton Dr. Charlestown RI 02813
261-3354

Town of Westerly
Rhode Island

DEPARTMENT OF
DEVELOPMENT SERVICES



Town Hall
45 Broad Street
Westerly, RI 02891

March 21, 2017

Bruce Jacques
c/o Seth Wolfe
28 Breton Drive
Charlestown, RI 02813

**RE: Zoning Submittal No. 16/2132
163 POTTER HILL RD
Assessor's Plat/Lot '008-032-2'**

To Whom It May Concern:

In reviewing your application for the above-referenced Zoning Certificate it has been determined that additional relief from the Zoning Ordinance is required. **The proposed garage encroaches into the front-yard, left side-yard and right side-yard setbacks associated with this property and exceeds the size of the primary structure located on this parcel.**

To proceed with your proposed application, a Public Hearing with the Zoning Board of Review is required to grant the relief listed below required for approval:

	<u>Variance Required (feet)</u>
Front-yard Setback Variance:	2.8'
Left Side-yard Setback Variance:	6.5'
Right Side-yard Setback Variance:	6'
Accessory Structure Size Variance:	157 square feet

Applications and information associated with Zoning Applications are available in our office. The attached Abutters Notification Letter should be sent out after you have made application to the Zoning Board and no later than fourteen (14) days prior to the Public Hearing for this application.

Please include elevation drawings of the proposed garage as well as a floor/layout plan of the interior of the proposed garage.

Should you have any questions, please do not hesitate to contact me at (401) 348-2551.

Sincerely,

Jason A. Parker, AICP, CFM
Administrative Official

Town of Westerly
Rhode Island

DEPARTMENT OF
DEVELOPMENT SERVICES



Town Hall
45 Broad Street
Westerly, RI 02891

**CERTIFIED NOTICE of
APPLICATION for DIMENSIONAL VARIANCE**

To: PROPERTY OWNERS WITHIN 200' of

163 POTTER HILL RD
Assessor's Plat/Lot '008-032-2'
Bruce Jacques
Zoning Submittal No. 16/2132

Dear Property Owner:

Please be advised that on _____, 2017, a Public Hearing will be held at Westerly Town Hall with the Zoning Board of Review at **7:00 p.m.** The purpose for this Public Hearing is for the Zoning Board of Review to consider granting the requested dimensional variances associated with the above-referenced property in accordance with Section 260-33 (Variances) of the Town of Westerly Zoning Ordinance.

Within this Zoning Submittal, the applicant is requesting the following:

To construct a 24' x 24' garage in the front yard of the subject property.

In reviewing this request, it has been determined that relief from Section 260-19 (Minimum Dimensional Requirements) of the Zoning Ordinance is required due to the following:

The proposed garage encroaches into the front-yard, left side-yard and right side-yard setbacks associated with this property and exceeds the size of the primary structure located on this parcel.

A copy of this application is on file in the Planning & Zoning Office at Westerly Town Hall, located at 45 Broad Street, Westerly, Rhode Island 02891. Should you have any questions or comments regarding this notification, please contact this office at (401) 348-2549.

Owner's Signature

Bruce R. or Jane B. Jacques
163 Potter Hill Road
Westerly, RI 02891

James R Smith
PO Box 366
Ashaway RI 02804

Location 142 Potterhill Rd
Plat 8
lot 1

Helen Majeika
170 Potterhill rd
Westerly RI 02891

Location 170 Potter hill rd
Plat 8
lot 4

John Bennett
Bonnie Bennett
182 Potterhill Rd
Westerly RI 02891

Location 182 Potter hill rd
Plat 8
Lot 5

Highway Division - White rock
45 Broad St
Westerly RI 02891

Location 160 Potter hill rd
Plat 8
Lot 3

Whiteley Dora Hirst
161 Potter hill Rd
Westerly RI 02891

Location 161 Potter hill Rd
Plat 8
lot 32

KJell IngeBretsen
175 Potter Hill Rd
Westerly RI 02891

Location 175 Potter hill Rd
Plat 8
lot 31

Stawn Smith
Lorie Smith
181 Potter hill Rd
Westerly RI 02891

Location 181 Potter hill rd
Plat 8
lot 29

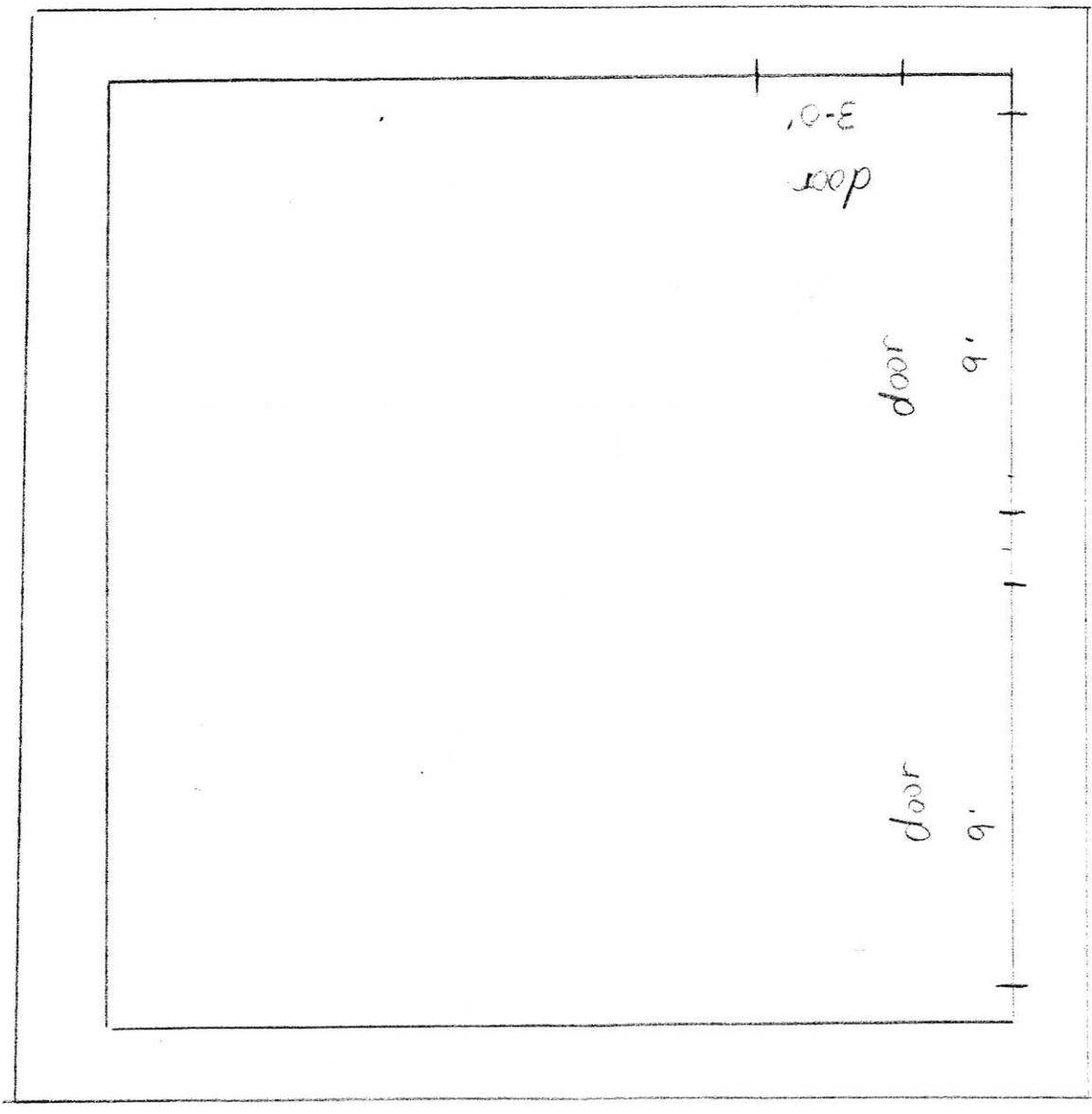
Ronald Cook
Patricia Cook
177 Potter hill rd
Westerly RI 02891

Location 177 Potter hill rd
Plat 8
lot 5

Floor Plan

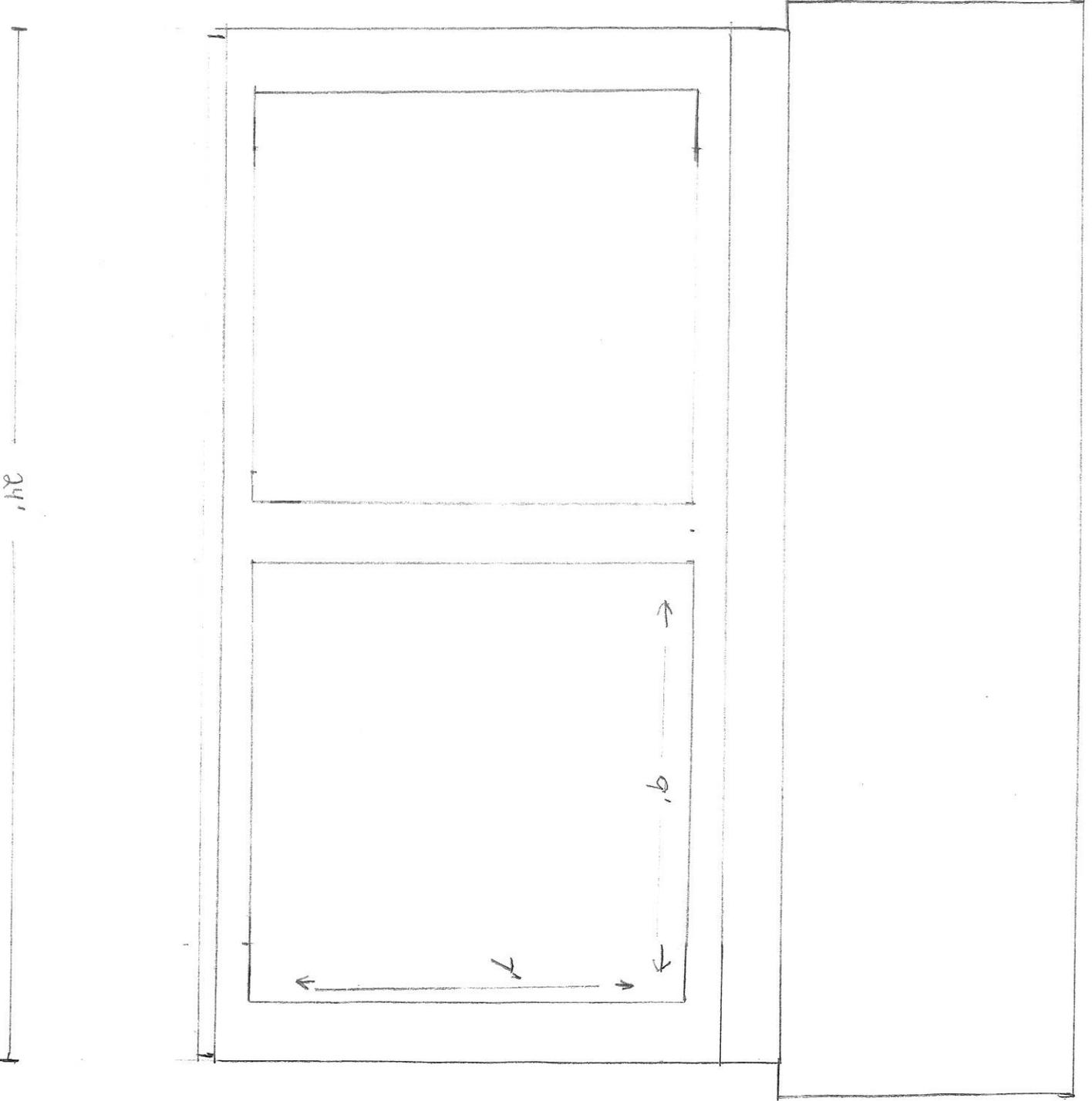
24

AC 24



or plan

24'
width



14'
Height



A.P. 8 LOT 32
N/F THE WESTERLY LAND TRUST

References:

1. FLORA WHITELEY PRESERVE PLAN OF EASEMENT AREAS TO BE CONVEYED TO THE WESTERLY LAND TRUST BY DORA W. HIRST ASSASSOR'S PLAT 8 PARCELS 32-1 AND 32-2 POTTER HILL ROAD WESTERLY, RHODE ISLAND SCALE 1"=80' JULY 2, 2994 SHEET 1 OF 1 ALFRED W. DIORIO, RLS, INC.

ZONING DISTRICT HDR-40

MINIMUM DIMENSIONAL REGULATIONS	EXISTING
MIN. LOT AREA	40,000 sq. ft. 41,170 sq. ft.
MIN. LOT FRONTAGE	150' 57.29'
MAX. % IMPERVIOUS	22.5% X%
MAX. PRIN. BUILDING HEIGHT	35' < 35'
MIN. FRONT YARD	40' 132.8'
MIN. CORNER SIDE YARD	N/A N/A
MIN. SIDE YARD	30' 31.2'
MIN. REAR YARD	50' 136.6'
PROPOSED GARAGE	
MIN. SIDE YARD	30' 23.5'
MIN. FRONT YARD	40' 37.2'

GRAPHIC SCALE



OWNER / APPLICANT

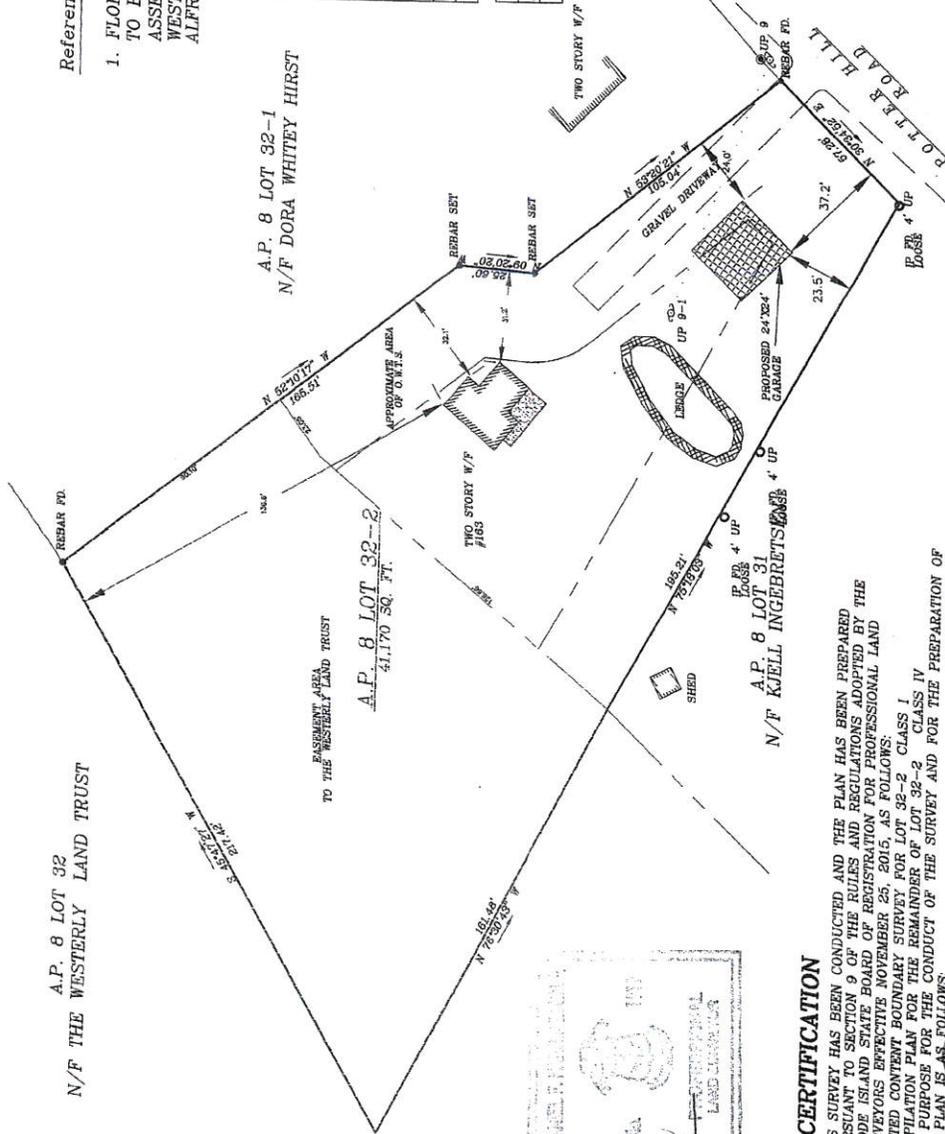
BRUCE R. & JANE B. JACQUES
163 POTTER HILL ROAD
WESTERLY, R.I. 02891

ZONING MODIFICATION PLAN
A.P. 8 LOT 32-2
163 POTTER HILL ROAD
WESTERLY, RHODE ISLAND
FOR

BRUCE R. & JANE B. JACQUES

DANIEL F. HARRINGTON III P.L.S.
P.O. BOX 804
HOPS VALLEY, R.I. 02868
(401) 659-7344

DATE	5/01/16
PROJECT NO.	1
SCALE	1"=40'
REVISIONS	DESIGNED BY D.F.H. DRAWN BY D.F.H. CHECKED BY D.F.H.
SHEET NO.	1
	SHEET 1 OF 1



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 EFFECTIVE NOVEMBER 25, 2015, AS FOLLOWS:
LIMITED CONTENT BOUNDARY SURVEY FOR LOT 32-2 CLASS I
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS, AS FOLLOWS:
ZONING MODIFICATION PLAN FOR A PROPOSED GARAGE.

BY DANIEL F. HARRINGTON, III PLS LICENSE NO. 1919
COA NO. A316

NOTE: DEPICTED UTILITY INFORMATION FROM FIELD SURVEY.
CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIG-SAFE
PRIOR TO ANY EXCAVATION ACTIVITIES.