



CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 738-2000

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE APRIL 12, 2016 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, April 12, 2016 at 6:00 P.M. in the Warwick City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash.

The Secretary called the roll and noted the following members present:

Donald Morash, Chairman
Richard Corley, Vice Chairman
Everett O'Donnell
Beverly Sturdahl
Mark McKenney
Julie Finn
Paul Wyrostek

Also present: Diana Pearson, Esq., Asst. City Solicitor
Richard Crenca, Warwick Planning Department
Carol Chevalier, Secretary
Mary Ellen Hall, Stenographer

The Chairman declared a quorum with Paul Wyrostek being the voting member in place of Mr. Corley who arrived after the start of the meeting.

The Chairman asked for a motion to approve the minutes from the March 15, 2016 hearing. A motion was made by Everett O'Donnell, seconded by Mark McKenney and passed unanimously by the Board that the minutes be accepted.

The Chairman asked if there were any petitions to be withdrawn or continued. The Chairman called the first petition.

Petition #10372

Ward 4

106 June Avenue

The petition of John Merritt, 106 June Avenue, Warwick, RI, for a request for a dimensional variance to construct a 10' x 16' shed with less than required rear yard setback, easterly side of June Avenue (106), Warwick, RI, Assessor's Plat 332, Lot 830, zoned Residential A-7.

John Merritt, 106 June Avenue, petitioner, was present.

He stated that he had received a violation letter from the City for the shed and an unregistered vehicle. The shed is 2' from the rear property line. The rear property line abuts a paper street. He stated that once the shed is complete it will look like the house.

A motion was made by Everett O'Donnell to approve the petition. He stated that there were no objections. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

Petition #10373

Ward 6

64 Pearl Avenue

The petition of Ludovino Medeiros, Jr., 64 Pearl Avenue, Warwick, RI, for a request for a dimensional variance to legalize location of existing pool, pool filter, deck, fence and shed, pool and pool filter having less than required front/corner side yard and side street setback, deck having less than required front yard setback, shed having less than required side yard setback, fence being higher than allowed with less than required front/corner side yard and side street setback, southeasterly corner of Pearl Avenue (64) and Cathcart Street, Warwick, RI, Assessor's Plat 360, Lot 969, zoned Residential A-7.

Sandra Ventura, petitioner, was present.

She stated that she is the co owner of the dwelling. She and her husband are currently in the middle of a divorce and he filed the application and was not present at the time.

The Board voted to amend the application to include the co owner. The application was signed and dated by Sandra Ventura.

The petitioner stated that her ex husband did all of the work and thought he had all the proper permits. They were in the process of selling the house when all of the issues came up.

Mr. McKenney stated that the list is long but minimal and that the requested relief is appropriate and in line with the surrounding properties. With that statement he made a motion to approve the petition. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be approved.

Petition #10374

Ward 3

30 Clarke Street

The petition of Lissette Vizcaino, 30 Clarke Street, Warwick, RI, for a request for a dimensional variance to install a 14' x 30 inground pool on subject property with less than required front yard setback, to have a fence higher than allowed with less than required front/corner side yard and side street setback, north easterly corner of Clarke Street (30) and Kernick Street, Warwick, RI, Assessor's Plat 344, lot 105, zoned Residential A-7.

Wascar Viscaino, 30 Clarke Street, petitioner, was present.

The petitioner stated that they are proposing to install a 14' x 30' swimming pool on their property. He stated that the dimensions of the property are very interesting. The subject property is a corner lot and the majority of the lot area abuts the two street property lines. He spoke to the neighbors and they are OK with the proposed location for the pool. He stated that his neighbors let them have an easement for their sewers so they could build the pool. They have lived in the house for ten years.

Mr. O'Donnell stated that there were no objectors and the petitioner spoke to the neighbors. With that statement he made a motion to approve the petition. The motion was seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition #10375

Ward 7

174 Vaughn Avenue

The petition of Jared Pimental, 174 Vaughn Avenue, Warwick, RI for a request for a dimensional variance to a 15.6' x 31' two story addition on existing single-family dwelling, proposed addition having less than required front yard and side yard setbacks, southerly side of Vaughn Avenue (174), Warwick, RI, Assessor's Plat 266, lot 397, zoned Residential A-7.

Wayne Pimental and Jared Pimental, were present.

They described their plan to the Board and the relief requested.

Mr. McKenney stated that the proposal would be an improvement to the property and the surrounding area. The addition would be the same distance from the property line and would not have a significant impact or encroachment on the neighboring property. It is the least relief there are many small lots in the area. With that statement he made a motion to approve the petition. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Mr. Corley arrived and became the voting member in place of Mr. Wyrostek.

Petition #10376

Ward 6

12 Wade Street

The petition of Frank Giustino & Holly Mulrenan, 204 Third Avenue, Milford, CT, for a request for a dimensional variance to construct a 10' x 13' second floor addition on existing dwelling, addition having less than required front yard and side yard setbacks, subject property being an undersized non-conforming lot, easterly side of Wade Avenue (12), Warwick, RI, Assessor's Plat 376, Lot 412, zoned Residential A-7.

Frank Giustino & Holly Mulrenan, 204 Third Avenue, Milford, CT, petitioners, were present.

They stated that are seeking a variance to construct a 13' x 10' bedroom addition above the existing house.

The Chairman stated that it would be a significant improvement.

Mr. Corley stated that he encourages improvement. It would be an increase to the value of the subject property and the surrounding properties. There was no one present in objection. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

Petition #10377

Ward 5

358 Warwick Neck Avenue

The petition of St. Mary's Church, 2600 Warwick Neck Avenue, Warwick, RI, for a request for a special use permit and dimensional variance to have a memorial garden/cemetery on subject property with less than required side yard setbacks, northeasterly corner of Warwick Neck Ave. (358) & Channing St., Warwick, RI, Assessor's Plat 379, Lot 336, zoned Residential A-10.

David Dolbashian, Esq., was present representing the petitioner.

He stated that the church property is being subdivided and a portion is being sold. The church would remain on a portion of the property and they are seeking to leave the memorial garden on it's own separate lot.

He described the reconfiguration to the Board and the relief requested.

There was discussion between the Board members and the attorney.

Also present in the discussion:

Michael Marsh from St. Barnabas Church, 11 Hackman Place, Warwick

Reverend John Gibson from Heritage Christian Fellowship

Mr. Corley made a motion to approve the petition. He stated that the land was set aside and is treated with respect. It would not disturb the surrounding properties it is a small area and is tasteful and peaceful. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10378

Ward 7

3291, 3293 & 3295 Post Road

The petition of Paul Toy, Jr. & Judith Toy, 2331 Ten Rod Road, Exeter, RI & Robert Edelman, 114 Pomona Street, North Smithfield, RI for a request for a special use permit and dimensional variance to occupy existing building for a medical office (excluding clinic), subject property having less than required landscaping and screening, less than required landscaping for parking area and less than required aisle width, northerly side of Post Road (3291, 3293 & 3295), Warwick, RI, Assessor's Plat 245, Lot 381, zoned Village-Historic.

Paul Toy, Jr., 2331 Ten Rod Road, Exeter, RI, petitioner, was present.

He stated that he purchased the property in 1979. He had his engineering business on the second floor and a rented a retail area on the first floor. He stated that he currently has a potential purchaser who would like to put in a wellness center with associated medical offices for the center.

He described the plan to the Board and the proposed parking area. He explained the history of the building. There was discussion between the Board and the petitioner.

As Mr. Corley began to make a motion the petitioner stated to the Board that he is not sure if the current deal will go through due to expenses involved in the renovations and requested from the Board to be able to change to another type of medical office should the current deal fall through.

It was suggested by the Clerk that the petition be granted with substantial compliance to be determined by the Building Official.

Mr. Corley made a motion to approve the petition. He stated that he understands how peculiar the property is and the medical office use is not consistent with this type of use. The petitioner does not want to come back because the original business that was designated did not go forward. He stated that another lessee with the same business for a medical office could be addressed by the Building Official and stated that the petition be approved with substantial compliance at the discretion of the Building Official. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED with stipulations.

Paul Wyrostek became the voting member in place of Everett O'Donnell who recused from voting on the following petition.

Petition #10379

Ward 3

51 Graystone Street

The petition of Buckhead Beef Company, 220 Raritan Center Parkway, Edison, NJ, for a request for a dimensional variance and use variance to have a 10' x 46' portable office trailer on property with less than required rear yard setback, westerly side of Graystone Street (51), Warwick, RI, Assessor's Plat 278, Lot 126, zoned General Industrial.

Joseph Brennan, Esq., representing the petitioner, was present.
Marlin Wolstencroft, petitioner, was also present.

The attorney stated that his client is seeking approval to place a 10' x 46' portable office trailer on the property. The trailer would be located to the rear of the property and would be on blocks and not on wheels.

He presented a brochure to the Board depicting the type of trailer to be placed on the property. The brochure was marked Petitioner's Exhibit #1.

The petitioner stated that the trailer would be for offices and a conference room for he and his employees. There would be no water run to the trailer and all electrical would be up to code.

The attorney stated that the trailer would be located in the rear of the property and would be essentially squaring off the building. The building maintains the same setback as the trailer would.

The petitioner stated that he spoke to the neighboring property owners. At the current time they do not want to add onto the building but need additional office space.

Mr. Corley made a motion to approve the petition. He stated that he understands the need for the additional office space and it is for the expanded staff. The petitioner is trying to meet the needs of the employees. The business is expanding. The petitioner stated that if the business keeps expanding there would be a more permanent addition put on the building. The motion was seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

The Chairman entertained a motion to adjourn the hearing. A motion was made by Mark McKenney, seconded by Beverly Sturdahl and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 7:30 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman