

DONALD G. MORASH, JR.  
CHAIRMAN



SCOTT AVEDISIAN  
MAYOR

**CITY OF WARWICK**  
ZONING BOARD OF REVIEW  
WARWICK, RHODE ISLAND 02886  
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WARWICK ZONING BOARD OF REVIEW  
MINUTES OF THE JULY 12, 2016 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, July 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  
Mark McKenney  
Julie Finn  
Paul Wyrostek  
Everett O'Donnell  
Beverly Sturdahl

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

The Chairman declared a quorum.

The Chairman asked for a motion to approve the minutes from the June 14, 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The Chairman asked if there were any petitions to be withdrawn or continued.

Petition #10396

Ward 6

71 Northup Street

The petition of William B. Fooks, 831 Bald Hill Road, Warwick, RI for a request for a dimensional variance to raze existing dwelling and construct a new 28' x 40' single family dwelling with a 5' x 28' front porch on subject property, subject property being an

undersized non-conforming lot, having less than required frontage, lot width & front setback, 71 Northup Street, Warwick, RI, Assessor's Plat 360, Lot 324, zoned Residential A-7.

Sanford J. Resnick, Esq., was present representing the petitioner.

William B. Fooks, owner of the property, was present.

Richard Crenca from the Planning Department read his recommendations into the record.

Mr. Resnick stated the applicant is agreeable with all of the stipulations that were recommended by the Planning Department and was present to testify on behalf of the applicant.

Mr. Resnick submitted photos of a house at a different location, which will be the same footprint of the single family dwelling being constructed at 71 Northup St submitted as Petitioner's Exhibit #1 & #2. A letter from registered Engineer Robert F. Angilly, Jr. PE was submitted as Exhibit #3. A placement of a Lien on the property from the Division of Property Maintenance was submitted as exhibit #4.

The relief sought is the least relief necessary for it is directly resulting from conditions that are beyond the control of the applicant. The Comprehensive Plan acknowledges that there are numerous substandard lots situated throughout the City and yet realizes that many of these lots are legally capable of supporting residential development.

Mr. Resnick advised the applicant is agreeable with all of the stipulations that were recommended by the Planning Department

The Chairman asked if there was anyone in opposition or in favor of the petition. There being none, Mr. Corley moved to grant the petition, Mr. Corley stated due to the fact that it is an eyesore and has a number of deficiencies. The house will be set back further from the road and is being built in a way that is fitting to the size of the lot that is there, and seems reasonable. There is no one here to object a brand new home and will increase the value of the surrounding neighborhood and will increase the eye appeal as you are driving down the road.

The motion was seconded by Mr. O'Donnell and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10399

Ward 9

105 Charlotte Drive

Petition of Philip McAndrew, 25 Red Barn Lane, East Greenwich, RI, continuance requested to the August meeting. Motion made by Mr. O'Donnell and seconded by Ms. Sturdahl - approved to continue petition to August hearing.

Petition #10398

Ward 1

11 Cread Place

The petition of David Ricks, 11 Cread Place, Warwick, RI, for a request for a dimensional variance to convert the existing garage to living space to include a family room, bathroom and laundry room, subject garage having less than required side setback (11 Cread Place, Warwick, RI, Assessor's Plat 302, Lot 140), zoned Residential A-7.

K. Joseph Shekarchi, Esq. was present representing the petitioner.

David Ricks, owner of the property was present.

Mr. Shekarchi stated he did meet with the Planning Department and they have no comments at all. This petition is to convert a garage into additional living space for the home, and this particular conversion will not exceed the existing footprint that is there today. At Mr. Shekarchi's request and the Rick's own initiative, met with several of their neighbors, and they have five (5) letters of non-objection from the neighbors immediately abutting their property. Mr. Shekarchi submitted these letters as exhibits one (1) through five (5). Mr. Shekarchi read one of the letters from Mr. John Pereira, who resides at 1210 Narragansett Parkway, Warwick, RI., stating Mr. Pereira has no objection to his neighbors garage being converted to living space. The attorney for the petitioner was asked if this space would be used as rental space and if it has a kitchen. The plans were reviewed by the Board, and it was determined the garage will be converted to a family room, bathroom and laundry room only.

The Chairman asked if there was anyone in opposition or in favor of the petition. Richard Corley asked if the garage is being closed in, would there be sufficient parking for the petitioners vehicles, Mr. Shekarchi stated the vehicles will be parked in the driveway. After the Board reviewed the plan, they noted there is adequate parking for four (4) vehicles in the driveway. Mark McKenney stated this was pretty straight forward, it is tight over there but it appears that Mr. Pereira who is the neighbor most affected by it, has no problem with it, and there is no one here who is objecting. Mark McKenney moved to grant the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10393

Ward 3

40 Bunting Road

The petition of Kerri Mowbray and Jesse Mowbray, 40 Bunting Road, Warwick, RI, for a request for a dimensional variance to construct a second story addition above existing garage, and a two story 20' x 22' addition, subject property having less than required side setback (40 Bunting Road, Warwick, RI, Assessor's Plat 340, Lot 669), zoned Residential A-10.

Jesse Mowbray & Kerri Mowbray, 40 Bunting Rd., Warwick, RI were sworn in by the Chairman.

Jesse Mowbray stated they are requesting to construct a one car garage addition to their existing one car garage, and construct a bedroom & bathroom above garage. The Board asked if there would be a kitchen, and the petitioner stated there would be no kitchen. Everett O'Donnell asked if the garage below will remain a garage. The petitioner stated it would remain a garage. The Chairman asked if the petitioners have spoken with their neighbors. Mr. Mowbray stated they did speak with their neighbors, and the neighbor directly affected had no objection.

The Chairman asked if there was anyone in opposition or in favor of the petition.

Richard Corley moved to grant the petition, as the addition will improve the property, and it is nice to see that people want to stay in the neighborhood and improve their property. Mr. Corley thinks it is a reasonable request, and he moves to approve it, seconded by Everett O'Donnell, and passed unanimously by the Board that the petition be GRANTED.

Petition #10394

Ward 1

55 Mayfair Road

The petition of Ann Klocke, 55 Mayfair Road, Warwick, RI, for a request for a dimensional variance to replace an existing shed with a 10' x 12' shed, to be placed on an existing foundation, subject shed having less than required rear setback. Subject property being a pre-existing legal, non-conforming lot (55 Mayfair Road, Warwick, RI, Assessor's Plat 292, Lots 76 & 78), zoned Residential A-7.

Ann Klocke, 55 Mayfair Rd., Warwick, RI, owner of the property was present and was sworn in by the Chairman.

Ms. Klocke stated there is a pre-existing shed in her yard that is in disrepair and she would like to replace it with a slightly larger shed, using the same foundation but extending it. The existing shed does not meet the rear yard setback. Ms. Klocke stated she spoke with the two neighbors to the rear of her property and they have no objections.

Everett O'Donnell asked how far off the property line the shed will be. Ms. Klocke stated it will be 5.7' off the rear property line.

The Chairman asked if there was anyone in opposition or in favor of the petition.

Robert Carter, 56 Mayfair Rd, Warwick, RI was sworn in by the Chairman.

Mr. Carter stated Ann was the best neighbor you could have. Mr. Carter asked about the permit process, asking if Ms. Klocke could obtain her permit the next day. The Chairman told Ms. Klocke the process to obtain the permit would take about a month.

Mark McKenney stated this is not complicated it would be an improvement over the existing shed. Mr. McKenney moved to grant the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10395

Ward 9

121 Oberlin Drive

The petition of Judith Connery, 5 Riverview Drive, Barrington, RI, for a request for a dimensional variance to finish half of the existing basement (the other half already being finished), to create an in-law apartment, proposed in-law apartment having more than allowed square footage and separate entrance (121 Oberline Drive, Assessor's Plat 238, Lot 63), zoned Residential A-10.

Judith Connery, 5 Riverview Drive, Barrington, RI, and Daniel Connery, 5 Riverview Drive, Barrington, RI, was sworn in by the Chairman.

Richard Crenca from the Planning Department read his recommendations into the record.

Ms. Connery stated she would like to keep the entrance there while her mother is living there because she has bad knees, she would be concerned with her mother getting out if there were an emergency, also for her to be up and down the stairs from the main level of the house regularly would be difficult for her mother. The Chairman stated when her mother ceases to live there, they can remove the kitchen or the door.

Mark McKenney asked if the petitioners would be the principle occupants. The petitioner stated she and her husband have been renting in Barrington, RI, but will be moving back to the subject property with her mother, which she has owned for eighteen years.

The Chairman asked if there was anyone in opposition or in favor of the petition.

Richard Corley stated they usually don't allow for the exterior access because other people might try to turn it into an apartment, but the explanation the petitioner gave makes very good sense that her elderly mother could be at a safety risk if she didn't have a way to get out of the house and going up and down the stairs is difficult which is the whole reason they are constructing the in-law apartment. As long as the petitioners agree to the stipulation that if her mother ceases to live in the unit, they will close the exterior access or take out the kitchen, so in the future if they sell the house someone will not use the unit as an apartment.

Richard Corley moved to grant the petition, seconded by Beverly Sturdahl, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10397

Ward 7

2789 Post Road

The petition of Jamie Nelson, 99 Brownlee Blvd., #1, Warwick, RI and Dr. Kenneth Rudman, 2789 Post Road, Warwick, RI, for a request for a special use permit to occupy an existing office building for a dog grooming business, subject property being an existing legal, non-conforming lot (2789 Post Road, Warwick, RI, Assessor's Plat 267, Lot 384), zoned Office.

The Chairman has filed a Statement of Conflict of Interest, pursuant to R.I. General Laws, Section 36-14-6, indicating that he believes he would be able to participate failure, objectively and in the public interest regarding the matter. If he recused himself there would not be a quorum and he did not feel he would not be fair in the procedure.

Joseph Brennan, Esq. was present representing the petitioner.

Mr. Brennan stated the subject property is located in an Office zone and was previously used as a dental office by the owner of the property, Dr. Kenneth Rudman.

Jamie Nelson, the petitioner, was present

Mr. Brennan stated Ms. Nelson is currently in negotiations for a lease contingent upon the zoning approval. Ms. Nelson is looking to put in a dog groom facility that would have very close to the same hours as the dentist office, if not exactly the same hours. She will be running from approximately 8:00am to 4:00pm. There would be no animals kept there overnight. It would be a daily business where they get dropped off in the morning or in the afternoon depending on what type of services they are looking for and the dog will be picked up later in the morning or afternoon when the animal is ready.

Mr. Brennan stated they are looking for a special use permit because the use isn't given by right in the zone. Ms. Nelson has no plans to change the outside structure at this time, she will work internally with what she has available to her and the floor plan will stay generally the same besides some desks & chairs and some additional sinks and tubs.

Richard Corley asked the petitioner how the tubs will work with the water that is generated.

Jamie Nelson, 119 Gillan Ave., Warwick, RI was sworn in by the Vice Chairman.

The petitioner stated there will be tubs in each room which there is already existing plumbing from the former dentist office. There will be one larger tub for the bigger dogs, but all will go into the sewer system, which is one of the reasons this building works so well for them. There current location is on a septic system, and says the sewer system is what they need

Richard Corley asked the petitioner if she will be leasing the property. Ms. Nelson stated they will be. Richard Corley asked the petitioner how many parking spaces Ms. Nelson anticipated will be used at the same time. Ms. Nelson stated at the most 5 or 6, she lives in the neighborhood and plans on walking to work. A couple of the other girls will walk as well. Ms. Nelson stated they do one dog at a time and it is by appointment only.

Richard Crenca asked the petitioner if there is any outdoor area for dogs that are waiting to be picked up. The petitioner stated no. All dogs are groomed and are kept inside.

Richard Crenca asked the petitioner what her plans were for signage. Ms. Nelson stated she would like to use Dr. Rudman's existing sign and change it to be their own. It will not be a LED sign.

Richard Crenca had a concern that has been previously approved by the Board years ago, is the width of the driveway. It's only about 12' wide, is the only entrance & exit to the subject property. Mr. Crenca is concerned about customers coming & going at the same time, there's not enough room for side by side traffic. Everett O'Donnell stated there were no known issues with the driveway while the dentist occupied the property. The petitioner stated they can possibly widen the driveway in the future. Richard Corley stated there is not enough room to widen the driveway, and it seems her use is more compatible because she has clients coming and going one at a time, while a dentist can have three people in chairs at the same time. Richard Corley does not think it will be a significant issue, and perhaps an idea would be, in your office to put a sign by the door that people that are leaving must give way to people coming in, because we don't want someone pulling in and someone wanting to get out and telling the person to back up on Post Rd. It's a safety hazard.

The Chairman asked if there was anyone in opposition or in favor of the petition.

Michael Hersey, 16 Potters Ave., Warwick, RI, was in attendance and sworn in by the Vice Chairman. Mr. Hersey stated he and his wife share a property line with the subject property. They have lived there for approximately 20 years and met Ms. Nelson when she and her brother were out in the back area cleaning up from the overgrowth. They had a very nice conversation and says Ms. Nelson seems like a nice woman. Mr. Hersey and his wife are in full support of opening up this dog grooming business. He believes it would be a great addition to the neighborhood since they have a low cost Vet and a doggy daycare in the neighborhood, all within walking distance of this location. Mr. Hersey stated it has been used as a dental office in the past, and believes this is a good area for her to move into.

Mark McKenney moved to grant the petition, seconded by Everett O'Donnell, 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 Everett O'Donnell, seconded by Richard Corley and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 6:55 P.M.

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

Donald G. Morash, Jr., Chairman