

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

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, January 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: Robert Sgroi, Esq., Asst. City Solicitor  
Richard Crenca, Warwick Planning Department  
Carol Chevalier, Secretary  
Mary Ellen Hall, Stenographer

The Chairman declared a quorum.

Paul Wyrostek was the voting member on the following items. Mr. McKenney arrived late to the hearing.

The Chairman asked for a motion to approve the minutes from the December 8, 2015 hearing. A motion was made by Everett O'Donnell, seconded by Richard Corley and passed unanimously by the Board.

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

Petition #10360

Ward 4

40 Airport Road

The petition of Forty-Fifty Airport Road, 2 Alitieri Way, Warwick, RI, for a request for a dimensional variance to construct an additional drive thru lane for existing bank, (total of two

lanes approximately 15' x 24'), proposed addition having less than required side yard setback, subject property non-conforming to landscaping, southerly side of Airport Road (40), Warwick, RI, Assessor's Plat 320, lot 76, zoned General Business.

Joseph Brennan, Esq., representing the applicant requested that the petition be withdrawn without prejudice.

Brian Murphy, petitioner, was also present.

A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be WITHDRAWN WITHOUT PREJUDICE.

Petition #10357

Ward 5

39 Grimshaw Place

The petition of Richard Mulholland, 39 Grimshaw Place, Warwick, RI, for a request for a dimensional variance to construct a new 12' x 24' shed on subject property with less than required rear yard setback, to legalize location of existing shed, said shed having less than required side and rear yard setback (two smaller sheds to be removed), westerly side of Grimshaw Place (39), Warwick, RI, Assessor's Plat 354, Lot 280, zoned Residential A-7.

Richard Mulholland, petitioner, was present.

He stated that he would like to construct a 12' x 24' shed in his backyard. He would be removing two smaller sheds that are located on the property. The shed will not meet the rear yard setback. There is one other shed on the property that does not meet the rear yard setback that will remain. He spoke to the neighbors in the back and they did not have an issue with the new shed.

Mr. Corley stated that the petitioner is removing two other sheds and replacing them with one shed. The shed will not encroach any closer than the existing shed. 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. McKenney arrived and became the voting member in place of Mr. Wyrostek.

Petition #10358

Ward 9

26 Sandro Drive

The petition of Michael & Marilyn Smith, 26 Sandro Drive, Warwick, RI, for a request for a dimensional variance to construct an addition to existing single-family dwelling (family room 18' x 19' & laundry room 6.6' x 13') with less than required side yard setback, subject property being an undersized non-conforming lot, southerly side of Sandro Drive (26), Warwick, RI, Assessor's Plat 233, Lot 60, zoned Residential A-10.

Harvey Wagner, Architect, was present.  
Marilyn Smith, petitioner, was also present.

He stated that the petitioner proposes to construct an 18' x 19' family room addition off the back of the existing dwelling. The yard is enclosed and fenced in.

Mr. O'Donnell inquired as to the relief requested

Mr. Wagner stated that the required setback is 15' and the closest part of the addition would be 8.8' from the property line. He stated that the house is presently 8.3' from the property line.

The Chairman stated that the stairs would be 7.7' from the property line and it is due to the configuration of the lot.

Tammie Stewart, 14 Sandro Drive, Warwick, was present in objection.

She stated that her husband wanted to be present but had to work and he would like to see the plans also.

She reviewed the plans. Mr. Wagner described the requested relief to her.

She stated that she was hoping the Board would not make a decision and give her husband a chance to review the plans. The addition and the door off the addition would be directly below the bedrooms in her home. She stated that she is building a new home in East Greenwich and will be selling her current home. She was concerned for her property value.

The Chairman stated that the proposed door would not be the main entrance to the home.

She asked that there not be a door there and to place it on the other side of the addition.

The Chairman stated that the addition would be located further from the property line than the existing dwelling.

She was concerned it would become an in law apartment.

Mr. Wagner stated the area where the door would be located would be a laundry room.

Mr. Wyrostek made a motion to grant the petition. He stated that the current footprint is closer to the property line. The addition and stairs would be further from the property line. There are only two steps out the back of the addition. The door is there for safety purposes. He stated that they would not be entering and exiting the dwelling through a laundry room. He would understand if the deck were going to be located there under the neighbors windows. The proposed addition would add to the value of the neighborhood and due to the configuration of the lot the proposed location is the only feasible place to construct the addition. The motion was

seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Mr. McKenney recused from voting on the following petition. Mr. Wyrostek became the voting member.

Petition #10359

Ward 6

14 Fifteenth Avenue

The petition of John Morris, 14 Fifteenth Avenue, Warwick, RI, for a dimensional variance to demolish existing structures and construct a new dwelling (approx.. 71.6' x 43.2) with attached garage, proposed dwelling and garage having less than required front yard, front/corner side yard (side street Promenade Avenue) and side yard setbacks, subject property being an undersized non-conforming lot having less than required lot area, frontage and width, northeasterly corner of Fifteenth Avenue (14) and Promenade Avenue, Warwick, RI, Assessor's Plat 374, Lot 70, zoned Residential A-15.

Joseph Brennan, Esq., representing the petitioner, was present.  
John Morris, petitioner, was present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

Carl Saubury, Architect, was also present.

Mr. Brennan stated that they have an agreement with the Buttonwoods Beach Association. He presented the agreement to the Board and it was marked as Petitioner's Exhibit #1. The exhibit addressed stipulation #6 presented by the Planning Department. His client tried to renovate and it did not make economic sense. The attorney presented a list of the dimensional requirements requested to the Board. It was marked as Petitioner's Exhibit #1. He stated that the proposed garage would be connected to the house. The existing garage has no setback. He stated that the hardship was due to the unique character of the subject property. The lot is a smaller lot and is not too far from the size of the other lots in the area. The dwelling is structurally deficient. They are trying to stay as close as possible to the existing footprint. The new dwelling is architecturally the same and is in keeping with the character of the area. The property is not in a flood zone. The attorney presented the elevation plans and they were marked as Petitioner's Exhibit #3.

Mr. Brennan stated that the house encroaches along the Promenade Avenue property line. The dwelling would be as close to the same footprint as possible and that was part of the agreement with the BBA. An 8.56' section of the gazebo portion of the house encroaches.

Mark Merlino, 1175 Buttonwoods Avenue, neighbor, was present.

He stated that he is in favor of the application. He is familiar with the plans and is in full favor.

Mr. Corley made a motion to approve the petition and stated the petitioner was unaware that the current home already encroaches. The new dwelling would be on the same footprint and the petitioner has come to an agreement with the Buttonwoods Beach Association. The new house would enhance the value of the neighborhood and with the existing structural problems the petitioner is required to construct a new building. The motion is to include the stipulations from Planning. The motion was seconded by Beverly Sturdhal and passed unanimously by the Board that the petition be GRANTED with stipulations.

Mr. McKenney became the voting member in place of Mr. Wyrostek.

Petition #10361

Ward 8

One Home Loan Plaza

The petition of One Home Loan Plaza, LLC, 2 Altieri Way, Warwick, RI, for a request for a use variance to construct a second 10' x 15' electronic LED message center sign on the subject building, total of all wall signs larger than allowed, northerly end of Home Loan Plaza (1), Warwick, RI, Assessor's Plat 276, Lots 17 & 18, zoned General Industrial.

Daniel Flaherty, Esq., representing the petitioner was present.  
Brian Murphy, Home Loan Bank, 55 Joseph Court, Warwick, RI, was present.  
Richard Crenca, Warwick Planning Department, read recommendations into the record.

The attorney stated that the petitioner is requesting approval for a second 10' x 15' Led message center sign on the subject property. He stated that the petitioner is requesting that the sign change every 30 minutes between 7 A.M. and 7 P.M. and from 7 P.M. until 7 A.M. every hour. He stated that the petitioner has been in contact with RIDOT they allow every 15 seconds. The Board approved the existing sing in May of 2015. He stated that the subject property has frontage on Route 95 and the Airport Connector road. They are allowed 200 square feet and are requesting 150 square feet. He explained to the Board the specifics of the sign. He stated that he agrees to all of the stipulations presented. He stated that he must receive approval from RIDOT after if approved by the Board. He stated that he would agree to the same restrictions and the existing sign. They would only be advertising for the businesses in the building unless it was for a charitable purpose.

Mr. O'Donnell made a motion to approve the petition. He stated that the sign would help the businesses in the building. The petitioner agreed to all of the stipulations and it won't affect traffic. The motion was seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED with stipulations.

A motion was made by Everett O'Donnell, seconded by Richard Corley and passed unanimously by the Board that the meeting be adjourned at 7:05 P.M.

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

Donald G. Morash, Jr., Chairman