

DONALD G. MORASH, JR.
CHAIRMAN



JOSEPH J. SOLOMON
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE MARCH 10, 2020 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, March 10, 2020 at 6:00 P.M. in the City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island. The meeting was called to order by Chairman Donald Morash, Jr.

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

Present: Donald G. Morash, Jr. – Chairman
Everett O'Donnell – Vice-Chairman
Salvatore Deluise
Paul DePetrillo
George Shuster – Alternate
Julie Finn – Alternate

Absent: Beverly Sturdahl

Also present: Peter Clarkin Esq., City Solicitor
Daniel Geagan, Warwick Planning Department
Amy Cota, Secretary
Mary Ellen Hall, Stenographer

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

Due to plans being submitted with incorrect information, Petition #10648 for 6 Longmeadow Ave., Warwick, RI, was removed from the agenda.

The Chairman entertained a motion to approve the minutes from the February 11, 2020 hearing. A motion was made by Everett O'Donnell, seconded by Paul DePetrillo, and passed unanimously by the Board that the minutes be accepted.

Due to a conflict with the stenographer, the following petition was heard first:

Petition #10647

Ward 7

126 Melbourn Rd.

The petition of Thomas & Noreen Gaul, 60 Graham Way, East Greenwich, RI, requests a dimensional variance to construct a 772 square foot detached garage with an office and gym above, for personal use only (not to be a rental, no kitchen or bedrooms). Pro-posed garage having less than required side yard setback. Assessor's Plat 367, Lots 2, 3, 4, & 5, zoned Residential A-15.

Daniel K. Flaherty, Esq., was present and representing the petitioners.

Daniel Geagan from the Warwick Planning Department read the stipulations into the record.

Thomas Gaul, Petitioner, 60 Graham Way, East Greenwich, RI, was present and sworn in by the Chairman.

The petitioner stated he recently purchased the property and he will be moving in when he retires. He is proposing to renovate the existing dwelling and construct a new detached garage.

The petitioner stated he had no objection to the stipulations placed on the approval by the Planning Department.

Everett O'Donnell asked the petitioner if he intends on renting the space above the garage. The petitioner testified it will never be used as a rental and will only be used as his own personal gym and office. The office will not be used for any of the businesses the petitioner owns.

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

Mary Ellen Hall, 102 Melbourn Rd., Warwick, RI, was present in opposition, and sworn in by the Chairman. She had concerns with the petitioner utilizing the space as an office for one of his many businesses, and asked if the petitioner had any thoughts on attaching the garage.

The petitioner stated it doesn't work architecturally to attach it, and testified that it will only be utilized for his own personal office.

Robin DesMaris, 111 Melbourn Rd., Warwick, RI, was present in opposition, and sworn in by the Chairman. She felt the new garage would impact her property, and believes he will utilize it for his business. The Chairman reiterated the petitioner testified before the

Board that he will only use it for a personal office and will not use it for any of his businesses.

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

David Pickering, 293 Grand View Dr., Warwick, RI, was present and sworn in by the Chairman. He was present in favor of the petition.

Everett O'Donnell made a motion to approve the petition. He stated the petitioner has agreed to all the stipulations, seconded by George Shuster, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10642

Ward 7

1 Matteson Ave.

The petition of Jess Ferrara Glenn, 1 Matteson Avenue, Warwick, RI, requests a dimensional variance to construct a 26' x 26' attached garage with a 10' x 12' addition to connect the garage to the existing single family dwelling. Proposed garage having an unfinished storage area above. Proposed garage & connector addition having less than required front yard setbacks. Assessor's Plat 366, Lots 58 & 59, zoned Residential A-7.

Jess Ferrara, Petitioner, 1 Matteson Ave., Warwick, RI, was present and sworn in by the Chairman.

Glenn Ferrara, Petitioner, 1 Matteson Ave., Warwick, RI, was present and sworn in by the Chairman.

The petitioners stated they would like to construct an attached garage with a connector addition to attach it to the dwelling.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell stated there is no objection to the petition, which was then seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10643

Ward 9

63 Drum Rock Ave.

The petition of Mary-Ann McCurry, 490 Sleepy Hollow Farm Rd., Warwick, RI, and 135 Realty, LLC, 205 Hallene Rd., Unit 106, Warwick, RI, requests a dimensional variance to construct a second floor addition over the existing non-conforming dwelling. Proposed addition having less than required front yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 244, Lot 5, zoned Residential A-10.

David & Mary-Ann McCurry, Petitioners, 490 Sleepy Hollow Farm Rd., Warwick, RI, were present and sworn in by the Chairman.

The petitioners stated they would like to add a second story addition over the entire footprint of the existing first floor. The dwelling is a pre-existing nonconforming two-family dwelling (duplex).

The Chairman asked if they spoke with any of their neighbors. The petitioners stated they had not spoken to any of their neighbors.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Paul DePetrillo made a motion to approve the petition, seconded by Everett O'Donnell, and passed unanimously by the Board that the petition be GRANTED.

Petition #10644

Ward 5

164 Beacon Ave.

The petition of Paul & Diane Surabian, 164 Beacon Ave., Warwick, RI, requests a dimensional variance to construct a two-story detached garage with a bonus room and bathroom above (no bedrooms or kitchen). Proposed garage having less than required side yard setbacks and being higher than allowed. Assessor's Plat 385, Lot 60, zoned Residential A-40.

Mary Shekarchi, Esq. was present and representing the petitioners.

Daniel Geagan from the Planning Department read the recommendations into the record.

Paul Surabian, Petitioner, 164 Beacon Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Shekarchi stated the petitioners are in agreement with the stipulations, and stated the plan submitted showed a bedroom on the second floor of the garage in error.

Ms. Shekarchi stated the petitioners are proposing to reconstruct their detached garage in the same footprint as their previous garage was located. Mr. Surabian is a contractor and will utilize the bathroom in the garage to clean up after work. They are seeking relief for the side yard setback requirement, as well as the height of the accessory structure.

The petitioners testified they will not utilize the space above the garage as a rental unit or as an accessory dwelling unit (in-law). The proposed two-car garage will have a second story that contains a recreation/game room, a bathroom and storage space only.

Ms. Shekarchi submitted four (4) photos showing garages of abutting neighbors. A photocopy of a detached garage, located at 136 Beacon Avenue, with second story above, was marked as Petitioner's Exhibit #1. A photocopy of a detached garage, located at 53 Agawam Avenue that encroaches into the side yard setback, was marked as Petitioner's Exhibit #2. A photocopy of a working farm with a garage, higher than allowed, located at 1090 Warwick Neck Avenue was marked as Petitioner's Exhibit #3.

A photocopy of a detached garage, located at 152 Beacon Avenue that encroaches into the front/side yard property line, and is higher than allowed was marked as Petitioner's Exhibit #4.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to approve the petition, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10645

Ward 5

97 Sayles Ave.

The petition of John Medeiros, 97 Sayles Ave., Warwick, RI, requests a dimensional variance to construct a new one-story 15' x 45' single family dwelling on the existing non-conforming lot. Proposed dwelling having less than required side yard setbacks (both sides). Subject lot being an undersized non-conforming lot. Assessor's Plat 377, Lot 28, zoned Residential A-7.

Daniel Geagan from the Planning Department read the recommendations into the record.

John Medeiros, Petitioner, 111 Pine Crest Drive, Riverside, RI, was present and sworn in by the Chairman.

The petitioner stated the existing dwelling is in a severe state of structural disrepair, and they have received violation letters from the City. The existing single family dwelling encroaches onto abutting lot #29, along the southerly side yard property line by 1.2'. The proposal is to demolish the existing dwelling and construct a new 15' x 45' single family dwelling, which will be a rental property. The petitioners are seeking dimensional relief for the lot area being undersized, and for having less than required side yard setbacks. The new dwelling will be constructed entirely on their lot #28.

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

Courtney Bedard and Michael Larkin, 101 Sayles Ave., Warwick, RI, were both present in opposition of the petition. Both were sworn in by the Chairman.

Mr. Larkin stated he didn't see the value in what they are proposing because the lot is so small. He asked if the property would be used as a rental property.

Everett O'Donnell stated the petitioner previously stated it would be rental property.

The Chairman stated it is a legal non-conforming lot, they will be constructing a new dwelling, that doesn't encroach over the lot line. There was an existing dwelling that didn't conform, and they have a right to rebuild, and bring the property to be more in conformance than it is now. It's a reasonable request.

Courtney Bedard stated that Kerry Marzilli, who abuts this property on the left, had concerns about losing her view. The Chairman stated he went by the property the day of the meeting and there is no view.

Ms. Bedard feels this house should have been condemned, and this has been a frustrating situation.

Jennifer & Ashley Allbee, 93 Sayles Ave., Warwick, RI, were present in opposition of the petition. Both were sworn in by the Chairman.

Jennifer Allbee stated they had concerns with the petitioners taking their fence down. The petitioner stated he didn't know the fence was not his, but he will be replacing the fence.

The Chairman stated they can all agree a new house will be better than what is currently existing.

George Shuster stated this is a difficult situation. The petitioner recently purchased the property in this condition. Clearly the lot is irregular. The Petitioner was unaware of the encroachment when they purchased the property. Mr. Shuster stated there are comparable lots in the area, and the petitioner is asking for the least relief necessary, and the proposed dwelling is reasonable. Denying the applicant would constitute more than an inconvenience, and made a motion to approve, seconded by Everett O'Donnell and passed with a four to one (4-1) vote that the petition be GRANTED WITH STIPULATIONS (Paul DePetrillo voted to approve, Salvatore Deluise voted to deny, Everett O'Donnell voted to approve, George Shuster voted to approve, Donald Morash voted to approve).

Petition #10646

Ward 9

281 Spencer Ave.

The petition of Andrew & Catherine Berg, 281 Spencer Ave., Warwick, RI, requests a dimensional variance to remove the existing garage and construct a new 24' x 22' one-story detached garage. Proposed garage having less than required side yard and rear yard setbacks. Assessor's Plat 219, Lot 3, zoned Residential A-15.

Catherine Berg, Petitioner, 281 Spencer Ave., Warwick, RI, was present and sworn in by the Chairman.

Pamela Unwin-Barkley, 37 West St., East Greenwich, RI, was present and sworn in by the Chairman.

The petitioner stated she has an existing garage that encroaches onto her neighbor's property. They are proposing to demolish that garage and construct a new 24' x 22' one-story detached garage that will be more consistent with the area.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion to approve the petition, seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

The Chairman entertained a motion to adjourn. A motion was made by Everett O'Donnell, seconded by George Shuster and passed unanimously by the Board that the meeting be adjourned at 7:20 P.M.

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

Donald G. Morash, Jr., Chairman