

PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

POSTED 4/13/2022

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 921-9534

MINUTES OF THE MARCH 8, 2022 MEETING

A hybrid regular hearing of the Warwick Zoning Board of Review was held on Tuesday, March 8, 2022 at 6:00 P.M. via Zoom - <https://us02web.zoom.us/j/83432180956>.
The meeting was called to order by Chairman Paul DePetrillo.

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

Present: Paul DePetrillo - Chairman
Robert DeGregorio – Vice-Chairman
Lorraine Caruso Byrne
Walter Augustyn
Salvatore DeLuise
Constance Beck – Alternate
Julie Finn – Alternate

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

A motion was made by Robert DeGregorio to approve the February 8, 2022 Regular Meeting Minutes, seconded by Paul DePetrillo, and passed unanimously by the Board.

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

A motion was made by Robert DeGregorio to continue Petition #10757, for 78 Bradford Avenue. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board to continue the petition to the April 12, 2022 meeting.

The Chairman called the first petition:

Petition #10774

Ward 8

400 Bald Hill Road

The petition of Warwick Mall Owner, LLC, 400 Bald Hill Rd., Warwick, RI, and Apple Cinemas Warwick, Inc., 400 Bald Hill Rd., Warwick, RI, requests an amendment to a previously granted petition, approved by this Board on October 12, 2021 to replace the existing 30' x 14' marquis sign with a 30' x 14' LED electronic message board (Sign #3 on approved plans); and install a 20' x 40' LED electronic message board wall sign (Sign #1 on approved plans). The petitioners are seeking to amend that approval to install a 30' x 14' free-standing stationary sign, and to amend the approval to install a 20' x 40' electronic message board wall sign with a 7' x 41' stationary wall sign. Assessor's Plat 386, Lot 4 & 5, zoned General Business (GB).

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

Attorney Flaherty stated the petitioners received prior approval from this Board to replace two (2) marquis signs with LED message board signs, and to install an LED message board on the wall of the existing movie theater. The petitioners replaced one (1) marquis sign, but due to costs, are now proposing to replace the LED message board wall sign with channel block letters, and the marquis sign will now be a stationary sign. Both signs are larger than allowed.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated due to the unique characteristics of the property, and being the least relief necessary, this will be an upgrade from what is existing. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED.

Petition #10785

Ward 3

2381 Post Road

The petition of 2381 Post Road, LLC, 2381 Post Rd., Warwick, RI, and Home Loan Investment Bank, FSB, 1 Home Loan Plaza, Warwick, RI, requests an amendment to a previously approved conditional special use permit approved by this Board in May 2019 to have auto sales & service, and a bank. Petitioner requests additional conditional dimensional variances to add a drive-thru to the existing non-conforming bank, and to maintain the existing conditions of less than required landscape buffer, less than required interior landscaping, less than required aisle width, intensification of less than required setback of parking spaces, and intensification of a previously approved special use permit. Assessor's Plat 344, Lot 62, zoned General Business (GB).

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

Attorney Flaherty stated the petitioners are seeking a minor change from their prior approval. They would like to add a drive-thru to the Home Loan Bank.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated the hardship is due to the unique characteristics of the property, and he feels a drive-thru is necessary for this type of business, as you expect a bank to have a drive-thru. It won't alter the general characteristics of the area, and made a motion to approve the petition, seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED.

Petition #10773

Ward 2

129 Sumner Avenue

The petition of Christopher Whorf, 129 Sumner Ave., Warwick, RI, requests a dimensional variance to construct a one-story, three-car detached garage. Proposed garage having less than required front yard setback. Assessor's Plat 287, Lot 261, zoned Residential A-7.

Christopher Whorf, Petitioner, 129 Sumner Ave., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated he is proposing to construct a three-car detached garage. The back portion of the garage will be used mostly for storage.

The proposed garage will have a five foot (5') front yard setback. The Board had concerns with vehicles being parked in front of the garage, as they would encroach on the City right-of-way. The petitioner agreed to stipulate there shall be no parking in front of the garage.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the petitioner agreed to the stipulations, and due to the location of the septic system on the property, the proposed location of the garage would be the least relief necessary. The motion was seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10775

Ward 9

1200 Quaker Lane

The petition of All in Permit Consultants, 71 Hanrahan Ave., Farmingville, NY, and NAI Entertainment Holdings, 846 University Ave., Norwood, MA, requests a use & a dimensional variance. Petitioner is seeking a use variance to replace the 34' x 19'-10" free-standing marquis sign with a 36'-8" x 13'-7" LED electronic message board. Seeking a dimensional variance to have a free-standing sign larger and higher than allowed. Assessor's Plat 215, Lot 2, zoned General Business (GB).

K. Joseph Shekarchi, Esq. was present and representing the petitioners.

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

Attorney Shekarchi stated there is an existing movie theater (Showcase Cinemas) on the subject property. The existing signs are old and in need of a face-lift.

The petitioners have no objection to the stipulations placed on the approval.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the hardship is due to the unique characteristics of the structure, it's old and tired and needs to be modernized. The motion was seconded by Salvatore DeLuise and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10776

Ward 9

1200 Quaker Lane

The petition of NAI Entertainment, 846 University Ave., Norwood, MA, and Mandeville Sign, 676 George Washington Hwy., Lincoln, RI, requests a dimensional variance to install (6) six wall signs on the existing Showcase Cinema. Proposed signs being larger than allowed. Assessor's Plat 215, Lot 2, zoned General Business (GB).

K. Joseph Shekarchi, Esq. was present and representing the petitioners.

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

Attorney Shekarchi stated movie theaters are slowly becoming dinosaurs. This is only one of two cinemas left in the City. It's a large building, and some of the proposed signs are being recycled from their Massachusetts location that has closed.

Attorney Shekarchi stated the building is set so far back from the roadways, they need the larger signs to draw people in. None of the wall signs will be LED message boards, they will be stationary signs only.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the cinema has been there for many years, and the hardship is not the result of any prior action of the applicant, nor will it alter the general characteristics of the surrounding area, or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan. The motion was seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10777

Ward 8

1071 Centerville Road

The petition of Inskip Automotive Group, 1515 Bald Hill Rd., Warwick, RI, S-BNK Warwick Centerville, LLC, 3234 Riverview Lane, Daytona Beach, FL, and UAG West Bay AM, LLC, 1515 Bald Hill Rd., Warwick, RI, requests a special use permit to demolish the existing commercial structure (formerly a bank) to utilize the property for display of new or used vehicles for sale by Inskip Automotive Group, who primary campus abuts the subject property at 1517 Bald Hill Road. Assessor's Plat 249, Lot 11, zoned General Business (GB).

John C. Revens, Jr. Esq. was present and representing the petitioners.

Attorney Revens stated the subject property abuts the petitioner's business, Inskip Auto Mall. The petitioners are leasing the subject property, and seeking a special use permit for outdoor display & sales of vehicles. The parking lot lighting will be dark sky compliant.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the use is allowed by a special use permit in the Zoning Ordinance, and he feels the parking is more than adequate. It won't alter the general characteristics of the surrounding area, and should enhance the area with the building being currently vacant. The motion was seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition #10778

Ward 1

768 Warwick Avenue

The petition of Ujash Patel, and Gurukrupa, LLC, 768 Warwick Ave., Warwick, RI, requests a use variance to convert a portion of the second-floor storage area into a one-bedroom accessory dwelling unit. Subject property having an existing liquor store business on the first floor. The Petitioner is seeking relief from Section 601.4A (2) (3), the proposed apartment will not be occupied by an owner or employee of the principal business, and will be larger than allowed. Also seeking a dimensional variance for having less than required parking spaces. Subject property and structure being non-conforming for having less than required setbacks, landscaping, landscape buffers, parking lot buffers, interior landscaping, minimum aisle width, setbacks of parking spaces, less than required loading spaces, and existing free-standing sign having less than required front yard setback. Assessor's Plat 293, Lot 291, zoned General Business (GB).

Joseph Brennan, Esq. was present and representing the petitioners.

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

Attorney Brennan stated they have been working with the City on this project for over a year. They have been manipulating and tweaking the plan to try to conform as much as they can to the Zoning Ordinance to ask for as little relief as possible. The proposed apartment will be 890 sq. ft., and in speaking with the owner, they know the only tenant allowed would be an employee of the business or the owner.

Attorney Brennan stated they have reviewed the stipulations and are in agreement to all of them including the unit having only one bedroom. The lot is a very irregular, unique lot & the building doesn't meet any required setbacks. The applicant has a liquor store business on the first floor, and utilizes the second floor for storage, which they are proposing to convert to an accessory dwelling unit, that will be owner/employee occupied.

Attorney Brennan stated the two parking spaces closest to Warwick Avenue will be restricted to the residential use. They will be closing one of the curb cuts to create these two spaces.

The petitioners are trying to utilize this space and feel the best way to do that would be to create an apartment that would be owner or employee occupied.

Brian King from Crossman Engineering, who is present tonight, did an analysis that even during peak hours on a Friday or Saturday, the peak number of cars was generally five. So they do feel they can adequately provide all the parking on their lot. He stated they also submitted a letter from the Warwick Firefighters Association allowing them to utilize the existing parking spaces that encroach on their property.

Attorney Brennan stated they feel this would be a really good project and it would be beneficial to the property owner. They believe the hardship is due to the unique characteristics of the subject land and structure, as he mentioned, and not due to physical or economic disability of the applicant. The hardship is not the result of any prior action of the applicant and does not result primarily from the applicant to realize greater financial gain. The building was constructed many years ago, and the applicant is not the one who built it this way. It was built prior to the Zoning Ordinance. The granting of the dimensional variance will not alter the general characteristics of the surrounding area, nor the intent or purpose of the Zoning Ordinance or Comprehensive Plan. They feel the relief is the least relief necessary, as they've done everything they possibly can to mitigate all the items that they could meet with the Ordinance, and lessened the ones they can't meet. A denial would amount to more than a mere inconvenience, the space can't be used for anything else, and would remain storage.

The Chairman asked if the Board Members had any questions.

Lorraine Caruso Byrne stated she was out at the property earlier in the day, and there were four cars there, and then a truck with a trailer pulled in and parked across both openings while he went in to the store, so no-one could leave the parking lot. There is a real parking problem there. She stated there are some inconsistencies on the plans with the parking, striping, and the curb cuts.

Attorney Brennan stated the engineer was present to answer any questions.

Brian King, Engineer, Crossman Engineering, was present and sworn in by the Chairman.

Mr. King stated the parking analysis was done in December on the Friday and Saturday night two weeks before Christmas, which is typically a busy time. He did a parking count on Friday night between 5:00 P.M. and 7:00 P.M., and on Saturday morning between 11:00 A.M. and 3:00 P.M. On Friday night there was only one occasion where there were five vehicles in the parking lot, so he understands when the Board Member went to the site and there were five vehicles, but it sounds like from there count the max number of vehicles is five. As far as the truck pulling in and blocking both opening, he would think that would be an unusual circumstance.

Mr. King stated in working with the City Planning and Zoning Department, it was decided that one curb cut should be closed to make it safer. The curb cut that will remain is approximately 44' wide. We reviewed reducing that, but given the unique shape and how the parking spaces are orientated, we felt it would be best to leave it alone as there was no indication it would be a safety concern. By removing that curb cut we had to remove one of the parking spaces.

Ms. Byrne stated the application should have been updated because it states they will be reducing that curb cut from 44' to 30' wide, but she does agree it should remain as is. She stated the striping for the handicap parking spot needs to be done.

Mr. King stated they will have striping and a sign for the handicap space.

Robert DeGregorio commented that it appeared the study was done when Covid had started and many stores were closed down.

Mr. King stated liquor stores remained open and they feel it is pretty accurate based on being done right before Christmas, which is a busy time.

Mr. DeGregorio stated they already have parking issues, and asked how they would handle snow removal with the parking.

Mr. King stated they really aren't changing the conditions, except for removing that one space so that would be extra space to stockpile the snow.

The Chairman asked if there was any more discussion from the Board Members.

Lorraine Caruso Byrne stated yes, but not on the parking.

Ms. Byrne asked about the huge sign that is painted on the Firefighters building and if that has been permitted. She also had concerns with the apartment upstairs, and stated according to Attorney Brennan saying due to bad financial times they wanted to get more use out of the building. It appears they are putting in this apartment for financial gain, and that seems to be something that limits the approval of this.

Attorney Brennan stated he disagrees with that. That is not how the statute is interpreted. Financial gain is for everything you could ever do, for anyone who brings an application before you, even a resident who puts up a garage, his property becomes more valuable. The same as when businesses like Inskip who were before you tonight, looking to expand. It's meant more along the lines that it's not done primarily to realize financial gain in a negative way where the applicant is going outside the Zoning Ordinance.

Attorney Brennan stated the use is allowed, and the only reason they are before the Board is because they can't change how the existing structure was built on the lot.

As for the sign on the building, Attorney Brennan doesn't know if that has been properly permitted.

Robert DeGregorio stated the issue is the area is so congested already, and there are so many existing areas that don't meet relief already. He feels it doesn't meet the standards, there is already a beneficial use, a liquor store, and he thinks adding a second use puts a burden on the lot. He personally doesn't think it fits.

The Chairman stated his observations are if the owner or employee would occupy the apartment, he doesn't see an issue with that at all.

Robert DeGregorio asked how you police that, you can't dictate where your employees live.

Attorney Brennan stated you could say that about every accessory dwelling unit this Board has approved. He stated all the applicant can ever do is submit an application, and testify under oath. You record your decision letter in the Land Evidence Records. The Building Official has the right to ask for an inspection, and if they don't agree to it, the City can bring them to Municipal Court.

Robert DeGregorio stated he is not saying the applicants are lying, he is talking about in the future, the Board wouldn't know who the apartment would be rented out to. He struggles with the parking issues, there is a use there already, and he stated he is just struggling with this one. He doesn't agree they meet the standard of no beneficial use, because there is a use, a liquor store.

The Chairman stated they could put a stipulation that if they decide to sell the property, that it can't be sold with the apartment.

Robert DeGregorio stated it's too difficult to put that stipulation in. As a realtor he can't imagine having to deal with that stipulation to market the property with the stipulation the apartment can only be used by the owner or an employee of the liquor store. Mr. DeGregorio just feels they are trying to put a gallon into a pint.

Attorney Brennan stated it's his position that it would be unfair to hold the applicant to a possible future hypothetical situation of someone renting it out, just like every in-law apartment that's come before the Board.

Lorraine Caruso Byrne suggested asking the Solicitor, Attorney David Petrarca if this falls under the clause of the Ordinance about financial gain.

Attorney Petrarca stated you have two things in front of you. He asked Attorney Brennan to clarify the relief being sought, as the agenda reads they are seeking a use variance and a dimensional variance. He asked if the use variance pertained to seeking relief to not have to have the owner or an employee occupy the apartment.

Attorney Brennan stated that is correct, since the owner or an employee will be occupying the apartment, they no longer seek the use variance.

Attorney Petrarca asked Attorney Brennan to confirm he is withdrawing the use variance, and now seeking dimensional variance only. Attorney Brennan responded, that is correct.

Attorney Petrarca stated the way the Ordinance reads, in regards to Ms. Byrne's question, it can't be primarily for financial gain, and that's where the other factors of the variance come in. In terms of what the hardship that the applicant is facing, and is that hardship due to the unique circumstances.

Ms. Byrne stated it seems to her from what Mr. Brennan has said, and the way the application was written that the whole point to this apartment above is for financial gain.

The purpose of anyone expanding onto something is to help achieve the business survive. In addition, having an employee or an owner on site is beneficial, and labor these days is tougher to come by. By having an employee living there, you would basically have someone on call at all times if someone calls out or there is an emergency, so there is a consideration to having an employee live there, which is why they moved forward with amending their original application from renting it out to anyone, to now agreeing to it only being an owner or employee of the business.

Salvatore DeLuise stated he owns a business and help is hard to get. This could be an incentive to keep an employee, so it may not be for financial gain.

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

Elaine Prior, 24 So. Fair St., Warwick, RI was present and sworn in by the Chairman.

Ms. Prior doesn't see what all the fuss is about.

The Chairman asked if there was anyone else present, there being none Salvatore DeLuise made a motion to approve the petition, seconded by Paul DePetrillo.

Lorraine Caruso Byrne asked about the sign on the Firefighter's building.

The Chairman stated the sign is on the Firefighter's building. Ms. Byrne stated one of Daniel Geagan's comments was about the signage, and the sign is for the liquor store

Attorney Brennan stated they agree to all the stipulations, and he will check to see if the sign has been permitted, if it hasn't been, Attorney Brennan will make sure the owner is aware they need a permit.

A vote was taken, and the petition was granted with a 4-1 vote to GRANT W/STIPULATIONS.

Petition #10779

Ward 1

101 Fair Street

The petition of Kirsten Pounder, 101 Fair Street, Warwick, RI, requests a special use permit to utilize the existing detached garage as a personal artisan workshop/studio (no retail sales), heated with a pellet stove. Subject property being an existing undersized non-conforming lot. Assessor's Plat 292, Lot 444, zoned Residential A-7/Historical.

Kirsten Pounder, Petitioner, 101 Fair St., Warwick, RI, was present and sworn in by the Chairman.

Ms. Pounder stated there is an accessory structure on the subject property that was changed to a garage at some point. The house was built in 1870, and the garage was built before 1890. Since there were no automobiles at that time, she believes it was a carriage house. It still has the original wood floor.

Ms. Pounder stated she would like to use the left side of the structure as a workshop to make jewelry, and the right side to store her lawn equipment.

Lorraine Caruso Byrne asked the petitioner if she will be selling the jewelry out of the structure. Ms. Pounder stated all sales would be online. There will be no retail selling out of the structure.

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

Elaine Prior, 24 So. Fair St., Warwick, RI was present and sworn in by the Chairman.

Ms. Prior stated she is very much in favor of this petition, and this will be wonderful to have in the neighborhood.

The Chairman asked if there was anyone else to speak in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the special use is allowed with approval from the Board, and the proposed use won't alter the general characteristics of the surrounding area. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED.

Petition #10780

Ward 2

1736 Elmwood Avenue

The petition of Hakop Shakarjyan, 1736 Elmwood Ave., Warwick, RI, requests a dimensional variance to construct a new 17'-4" x 10' deck in the rear of the existing single family dwelling. Proposed deck having less than required side yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 287, Lot 85, zoned Office (O).

Hakop Shakarjyan, Petitioner, 1736 Elmwood Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Shakarjyan stated they purchased the house in July 2021. The deck was constructed by the previous owner without the proper permits.

The deck doesn't meet the required setbacks, and rather than take it down, they are seeking dimensional relief to keep it where it is.

The Chairman stated this structure needs to be inspected to be sure it meets the Building Code.

Robert DeGregorio asked the petitioner if he has been in contact with the Building Department.

The petitioner stated the previous owner is taking care of fixing the deck and applying for the permit.

The Chairman asked the Solicitor, Attorney David Petrarca if the petitioners will have to come back before the Zoning Board after they are granted a permit. Attorney Petrarca stated he believes the petitioners need Zoning Board approval prior to the permit being issued for the deck.

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

There being none, Robert DeGregorio made a motion. He stated due to the unique characteristics of the land, it's a small lot, and the deck won't encroach past the house. The petitioner's inherited the problem when they purchased the house. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED.

Petition #10781

Ward 4

296 Shawomet Avenue

The petition of Li Qun Lin & Wendy Lin, 39 S. Eagle Nest Drive, Lincoln, RI, requests a dimensional variance to construct a new 30' x 40' single family dwelling on an undersized non-conforming lot. Proposed dwelling having less than required front and side yard setbacks. Subject property having less than required lot area, frontage and lot width. Assessor's Plat 334, Lot 269, zoned Residential A-40. (Petition #9913 previously approved by this Board in January 2005).

Richard Pacia, Esq. was present and representing the petitioners.

Wendy Lin, Petitioner, was present and sworn in by the Chairman.

Michael Broschart, was present and sworn in by the Chairman.

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

Board Member Salvatore DeLuise recused himself from this petition, as he is an abutting property owner. Julie Finn voted in place of Mr. DeLuise.

Attorney Pacia stated they are here for dimensional relief to construct a 30' x 40' single family dwelling, having less than required front and side yard setbacks, and less than required lot area and lot width.

Attorney Pacia stated the subject property received approval from this Board in 2005. The foundation was partially constructed, but the project was abandoned.

The petitioners are proposing to remove the existing foundation and construct a new 30' x 40' single family dwelling.

Attorney Pacia presented John Mulhearn as a qualified real estate expert, and submitted his resume, which was marked as Petitioner's Exhibit #1. A letter dated March 8, 2022, was marked as Petitioner's Exhibit #2.

John Mulhearn was recognized as a qualified real estate expert, and sworn in by the Chairman. He testified as to the general characteristics of the surrounding area and

rendered his opinion that the granting of the requested relief would not be detrimental to the surrounding property values or uses and would not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or Comprehensive Plan of the City.

Attorney Pacia presented Scott Rabideau as a qualified Coastal and Wetland Biologist expert. His resume was submitted and marked as Petitioner's Exhibit #3.

Scott Rabideau was recognized as a qualified Biologist expert. He testified to the following. That he was familiar with the subject site with the original application in 2004, and has been out since then. That the property is located within the CRMC jurisdiction. That the property borders Type I Waters, which are our most pristine areas in the state. That there is a sandy beach, a scarp and then the lot. The beach and scarp are considered coastal features, and they are not to be developed on under the state regulations. That the entirety of the lot falls within the Rhode Island Coastal Resources jurisdiction. That the conditions at the site are consistent with the conditions that were authorized under that permit was previously issued for this property in 2005. That it's important to seek setback relief to maximize the separation distance from the coastal feature to the structure to the greatest degree possible. That if zoning relief is granted, the stormwater management using the low impact development techniques will be part of that plan that will be reviewed by CRMC.

Attorney Pacia presented Michael McHugh as a qualified Zoning and Land Use expert. His resume was submitted and marked as Petitioner's Exhibit #4. A Zoning and Land Use Summary, dated March 8, 2022, prepared by Michael McHugh was submitted and marked as Petitioner's Exhibit #5.

Michael McHugh was recognized as a qualified Zoning and Land Use expert. He testified to the following. That the property is a legal nonconforming lot. That the minimum lot requirement is 40,000 square feet, but none of the lots in the area are conforming. They are all undersized lots. That the lot was platted in 1919 as a legal lot of record. That the petitioners are seeking dimensional relief because it is impossible to meet the setback requirements. That a single family dwelling is a legally permitted use in this zoning district. That the proposed dwelling will not alter the general characteristics of the surrounding area, or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan. That this is the exact same application that was proposed in 2005.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the hardship is due to the unique characteristics of the subject property. The size of the lot is in harmony with the area. The motion was seconded by Julie Finn, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10782

Ward 4

22 Morris Street

The petition of Roland Lucier, 22 Morris St., Warwick, RI, requests a dimensional variance to construct a second floor addition (two bedrooms, a bathroom, a laundry room & a library) to the existing non-conforming single family dwelling. Proposed addition having less than required front and front corner/side yard setbacks. Assessor's Plat 332, Lot 301, zoned Residential A-7.

Roland Lucier, Petitioner, 22 Morris St., Warwick, RI, was present and sworn in by the Chairman.

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

The petitioner was in agreement with removing and relocating the existing fence that is encroaching on the city right-of-way along Morris Street to the property boundary.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion subject to the fence being moved. The hardship is due to the unique characteristics of the land, and the second addition will be within the existing footprint of the structure. The motion was seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10783

Ward 1

16 Canonchet Lane

The petition of Steve Karlin and Liz Heiss, 16 Canonchet Lane, Warwick, RI, and Justin Zeller/Red House Design Build, 177 Sherburne St., Providence, RI, requests a dimensional variance to enclose the existing carport to convert it to a personal art studio. Proposed art studio having less than required front & side yard setbacks. Assessor's Plat 292, Lot 197, zoned Residential A-10.

Liz Heiss, Petitioner, 16 Canonchet Lane, Warwick, RI, was present and sworn in by the Chairman.

Justin Zeller, Redhouse Design Build, was present and sworn in by the Chairman.

Stephanie Zurek, Red House Design Build, was present and sworn in by the Chairman.

The petitioner's stated they changed their plans that were previously approved by this Board. They are now proposing to convert the existing carport to a personal art studio, having less than required side yard setback.

The Board had concerns with parked vehicles encroaching on the right-of-way. The petitioner agreed to the Board stipulating there shall be no parked vehicles encroaching the City right-of-way.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated he commends the petitioners for working with their neighbors. The hardship is due to the unique characteristics of the property. The motion was seconded by Lorraine Caruso Byrne, and passed unanimously by the Board that the petition be GRANTED W/STIPULATIONS.

Petition #10784

Ward 3

50 Colorado Avenue

The petition of Colorado Properties, LLC, 55 Access Road, Warwick, RI, requests a dimensional variance to legalize the existing front exterior covered entryway, having less than required front yard setback. Assessor's Plat 282, Lot 203, zoned General Industrial (GI).

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

Attorney Resnick stated the petitioner's purchased the property in 2003. The building was constructed in 1976. There was also a canopy constructed without the proper permits. The canopy is in disrepair, and doesn't comply with the required front yard setback. The petitioners are seeking relief from the front yard setback to repair the canopy.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the petitioner's inherited the unpermitted canopy. The hardship is due to the unique characteristics of the land and structure. The motion was seconded by Salvatore DeLuise, and passed unanimously by the Board that the petition be GRANTED.

The regular meeting of the Warwick Zoning Board was adjourned at 9:40 p.m.

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

Paul DePetrillo, Chairman