

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE OCTOBER 13, 2015 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, October 13, 2015 at 6:00 P.M. at Warwick City Hall, in the Warwick City Council Chambers, 3275 Post Road, Warwick, Rhode Island. Donald Morash, Chairman, called the meeting to order.

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

Donald Morash, Chairman
Richard Corley, Vice Chairman
Everett O'Donnell

Alternates: Paul Wyrostek
 Julie Finn

Absent: Beverly Sturdahl

Also present: Kerri Rafanelli, Esq., Assistant City Solicitor
 Richard Crenca, Warwick Planning Department
 Carol Chevalier, Secretary
 Mary Ellen Hall, Stenographer

The Chairman entertained a motion to accept the minutes from the hearing of September 15, 2015. 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The Chairman asked if there were any petitions to be withdrawn or continued.

Julie Finn was the voting member in the absence of Beverly Sturdahl.

Petition #10341

Ward 4

Spadina Ave. & Point Ave.

The petition of Darayuth Seng, 100 Elena Street, Cranston, RI, for a request for a dimensional variance to construct a 40' x 44' single-family dwelling with attached decks, proposed dwelling having less than required front yard, side and rear yard setbacks, subject being an undersized non-conforming lot with less than required frontage and width, southwesterly corner of Spadina Avenue and Point Avenue, Warwick, RI, Assessor's Plat 334, Lot 194, zoned Residential A-40.

The Chairman announced that this petition will be continued to the November 10th hearing.

Petition #10342

Ward 9

297 Ives Road

The petition of Beth Coelho, 297 Ives Road, Warwick, RI, for a request for a dimensional variance to construct a 12' x 22' garage and a 6' x 20.2' porch on existing dwelling, proposed porch and garage having less than required front yard setback, northerly side of Ives Road (297), Warwick, RI, Assessor's Plat 203, Lot 366, zoned General Business (Residential A-7).

Beth Coelho, Petitioner, was present.

Steven Medeiros, Architect, was also present.

The petitioner stated that the dwelling was formerly a convenience store and it is located close to the front property line. The proposed location for the garage is the only area for the construction because to the location of the basement window and bulkhead. The petitioner stated that she fell during a winter storm. She would be storing her vehicle in the garage from the elements. There is a paved area proposed to the right side of the garage for parking of any other vehicles that may be needed. The petitioner stated that she would be making significant improvements and enhancements to the front of the dwelling by the way of landscaping etc.

Mr. Corley stated that the petitioner would be making improvements to the property and there is a parking area proposed to the right of the proposed garage. The relief is necessary because of the location of the dwelling on the lot. It is due to the unique character of the subject property. 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.

Petition #10343

Ward 4

36 Bluff Avenue

The petition of Edward Schultz, Jr., 36 Bluff Avenue, Warwick, RI, for a request for a dimensional variance to construct a 24' x 28' addition to existing detached garage, proposed addition having less than required front yard (Bluff Avenue) and front/corner side yard setback (Rock Avenue), easterly side of Bluff Avenue (36), Warwick, RI, Assessor's Plat 317, Lots 8, 9 & 29, zoned Residential A-15 (formerly Residential A-7).

Americo Scungio, Esq., representing the petitioner was present.

Edward Schultz, Jr., petitioner, was also present.

There is an existing detached garage located on the subject property. The proposal is to construct an addition onto the existing garage. The garage does not meet the setback from the streets. It would be for his personal use. He has a collection of cars and they are stored around on different properties and he would like to be able to keep them all on one property. There would be no repair or storage of vehicles other than his own.

Mr. Corley stated that the lot is a unique lot. To be able to store the vehicles indoor would be a benefit to his neighbors. 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.

Petition #10344

Ward 9

17 Sidney Avenue

The petition of Jacek Danilowicz, 34 Punchbrook Road, Burlington, CT for a request for a dimensional variance to construct a second floor addition on existing dwelling, proposed addition and existing dwelling having less than required side yard (left) setback, subject property consisting of two undersized non-conforming lots, subject property containing a second dwelling unit, westerly side of Sidney Avenue (17), Warwick, RI, Assessor's Plat 201, Lots 142 & 144, zoned Residential A-10.

Jacek Danilowicz, petitioner, was present.

John Hoyle, consultant, was also present.

Mr. Crenca read his recommendations into the record. He stated that the petition should be readvertised and be heard at a later date.

Mr. Hoyle argued the need for the readvertisement.

Mr. O'Donnell made a motion to continue the petition to the November 10th hearing. The motion was seconded by Julie Finn and passed unanimously that the petition be CONTINUED.

Petition #10345

Ward 5

44 Riverside Avenue

The petition of Susan Powell & David DiPetrillo, 44 Riverside Avenue, Warwick, RI, for a request for a dimensional variance to construct a 22' x 22' garage addition with less than required side yard and front/corner side yard (Prospect Avenue) setbacks, subject property being an undersized non-conforming lot, southerly corner of Riverside Avenue (44) and Prospect Avenue, Warwick, RI, Assessor's Plat 355, Lot 581, zoned Residential A-7.

David DiPetrillo, petitioner was present.

He stated that he would like to construct a garage on the property. There would be no basement.

There was one neighbor present in opposition.

Theresa Paolucci, was present in objection.

She stated that the side street has the wrong name on the plan and it is misleading. The streets are very narrow and it appears that the garage is being built on a portion of the street.

The Board questioned the need for constructing in the proposed location. They questioned the location of the septic system.

The petitioner did not know where the septic system was located on the property. He stated that he began constructing a deck to the left side of the dwelling. He did not want to construct the garage there because it would block his waterview.

The Board questioned if he had obtained the property permits for the deck and if the deck met the setbacks.

He stated that he had not obtained a permit.

Mr. O'Donnell made a motion to continue the petition until the next available hearing. The motion was seconded by Julie Finn and passed unanimously by the Board that the petition be CONTINUED.

Petition #10346

Ward 1

109 Dahlia Street

The petition of James McKenna IV & Stephanie Shields, 109 Dahlia Street, Warwick, RI, for a request for a dimensional variance to construct a two story addition (approx.. 22.11' x 25.5') on existing dwelling with less than required front yard setback, westerly side of Dahlia Street (109), Warwick, RI, Assessor's Plat 307, Lots 16 & 17, zoned Residential A-10.

James McKenna, petitioner, was present.

Eric Zuera, architect, was accepted as an expert witness (Motion was made by Everett O'Donnell, seconded by Richard Corley and passed unanimously by the Board)

The proposal is to construct a two story addition. The variance request is from the front yard setback. They are trying to protect the character of the existing home.

Mr. McKenney made a motion to grant the petition. The proposed addition is appropriate to preserve the character of the dwelling and is the least relief necessary. The variance requested is minimal. There were no concerns from the neighbors. Denial would be more than a mere inconvenience. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10347

Ward 4

37 Lakecrest Drive

The petition of Minnie Foster & Lynn Delvecchio, 34 Lakecrest Drive, Warwick, RI, for a request for a dimensional variance to construct a front porch (approx.. 6' x 19.54'), an addition and a rear deck (approx.. 12' x 28' x 30' L shaped), front porch having less than required front yard setback and deck having less than required side yard setback, addition having less than required front yard setback, westerly side of Lakecrest Drive (37), Warwick, RI, Assessor's Plat 328, Lot 256, zoned Residential A-7.

Lynn DelVecchio, petitioner, was present.
Jean Foster, 31 Lakecrest Drive, was present in favor.

She stated that the variances are from the side and front property lines. There would be an addition, front porch and deck constructed. She stated that she spoke with her neighbors. Mrs. Foster stated that the petitioner is her daughter and it would be a big improvement. The house was her mother-in-laws house and the petitioner's grandmother.

Mr. McKenney stated that the proposed additions would be in keeping with the character of all of the houses in the area and the neighbors do not seem to have a problem.

Mr. Corley stated that it is a fourth generation. The petitioner covered every issue as part of the record. The request is due to the unique character of the subject dwelling and land. The proposal would be in keeping with the character of the area and would not be detrimental to the intent or purpose of the zoning ordinance. The written proposal explained that the proposal is the least relief necessary and would adopt the reasons put in the petition and addressed the facts of the land. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10339

Ward 9

1 Division Street

The petition of Patricia Norton, 242 Varnum Drive, Warwick, RI and John Butler, 314 Holland Road, East Greenwich, RI for a request for a dimensional variance and special use permit to construct an addition to existing legal non-conforming restaurant (McKinley's), an addition to existing porch and reconfiguration of ramp, subject property having less than required off street parking, easterly side of Division Street (1), Warwick, RI, Assessor's Plat 220, Lot 174, zoned Waterfront Business.

John Revens, Jr., Esq., representing the petitioner was present.
John Butler, petitioner was also present.

Mr. Revens described the plan to the Board and the existing site conditions.

David Stone, 17 Ladd Street, abutting property owner, was present.

He stated that he had concerns with the expansion of the deck and would there be more entertainment out there. He stated that he is concerned about parking in the factory buildings on Ladd Street.

Mr. Revens stated that the parking is not from McKinley's. It is from the establishments beyond the yacht club. The deck would be reconfigured it will not increase in square footage.

Mr. Wyrostek stated that he agrees that the parking and extra traffic is from the other three establishments.

Mr. Corley made a motion to grant the petition. The improvements are for public health and safety for a ramp and bathroom improvements and is the least relief necessary. The motion was seconded by Everett O'Donnell and passed unanimously that the petition be GRANTED.

Petition #10348

Ward 4

64 Airport Road

The petition of Lay Investment Properties, Inc., 45 Cohasset Lane, Cranston, RI, for a use variance and dimensional variance to occupy existing building for a an office for a home health care agency, existing building having less than required side yard setback, subject property having less than required front street and side street setbacks for parking area, parking having less than required setback from building, less than required aisle width, entrance and exit for parking area larger than allowed, less than required landscaping and landscape buffers, existing freestanding sign having less than required setback from front property line, southeasterly corner of Airport Road (64) and Dolores Court, Warwick, RI, Assessor's Plat 320, Lot 69, zoned Residential A-7.

Siphon Lay, petitioner, was present.

He stated that there would be no changes or alterations. The use is a less intense use for home health care and has been approved by the State. There would be no customers it is the base for the office for the business. He stated that he spoke with the neighbors.

Mr. Corley stated that the use is a less intense use. There is not issue with parking they would be traveling to the different sites. There are no objections. 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.

A motion was made by Everett O'Donnell to adjourn the hearing. The motion was seconded by Julie Finn and passed unanimously that the hearing be adjourned. The Chairman adjourned the hearing at 7:40 P.M.

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

Donald G. Morash, Jr., Chairman

