

DONALD G. MORASH, JR.
CHAIRMAN



SCOTT AVEDISIAN
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE SEPTEMBER 13, 2016 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, September 13, 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 - Absent

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

The Chairman declared a quorum.

The Chairman asked for a motion to approve the minutes from the August 9, 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The Chairman asked if there were any petitions to be withdrawn or continued.

The Chairman advised that Petition #10407 of Bruce & Cheryl Taylor, 10 Nichol Ave, was being continued to the October 18, 2016 meeting due to an advertising error.

Petition #10392

Ward 1

309 Spring Green Road

The petition of Gregory Martin, 309 Spring Green Road, Warwick, RI, for a request for a dimensional variance to store a boat and camping trailer on subject property during the periods of inactivity, having less than required front yard and side yard setbacks, westerly side of Spring Green (309), Warwick, RI, Assessor's Plat 306, Lot 47, zoned Residential A-10.

Gregory Martin, Petitioner, petitioner, 309 Spring Green Rd., Warwick, was present and sworn in by the Chairman.

The Chairman stated the petitioner had been in front of the Board prior to tonight, but the Board had questions regarding setbacks and asked the petitioner to bring us up to date since then.

Gregory Martin stated the Board had requested he find out exactly where the property line was on the site plan. He stated he updated the site plan. Mr. Martin states the person who drew the site plan, actually marked out the true property line based on the sewer maps and from the 1944 plat map from the City.

The Chairman asked who drew up the site plan. Mr. Martin stated when he had his addition built, the contractor had someone draw up the site plan. The Chairman asked if he had a survey. Mr. Martin stated no, they went to Atlas Surveying who does all the surveying for the City, and he provided all the information to identify what line was what.

Everett O'Donnell stated to the Chairman, he thought they requested a survey last time he was in front of the Board.

Everett O'Donnell stated to the petitioner they had asked for a certified survey. The petitioner stated the Board asked to identify the property lines. Everett O'Donnell said yes, with a certified survey. The petitioner stated that a certified survey is a financial hardship for him, the quotes he has been getting have been \$2,400 - \$2,500.

Richard Corley asked the petitioner how many feet the flag pole is from the side property line. The petitioner stated he doesn't have that measurement, it wasn't relevant, but if someone has a ruler, he can measure it. Richard Corley stated he has a picture of it, and he is trying to figure out by looking at it, right now Mr. Martin has a pop-up trailer that is sitting there with a "for sale" sign on it. Richard Corley asked how long it has been for sale. The petitioner stated for two to three weeks. Mr. Corley asked if there was a reason the petitioner has had it there rather than on somebody else's property to try to sell it. The petitioner stated it was easier to show, and instead of explaining to someone where it is located, and intruding on friend's property. Mr. Corley stated the camper was parked right in the middle of the yard not in the driveway. The petitioner stated it is in his side yard.

The Chairman asked if the camper he has for sale, was the camper he planned on putting in the driveway. The petitioner stated no.

Everett O'Donnell asked if it was the larger camper parked there today. The petitioner stated yes, that is the camper he plans on putting there.

The Chairman asked how long the camper is. The petitioner stated it is 32 feet long.

The Chairman asked the petitioner if he also has the boat. The petitioner stated he just sold the boat.

Everett O'Donnell asked if he had proof of sale. The petitioner stated he did not.

The Chairman asked if he is still seeking relief for storage of the boat. The petitioner stated no, not at this point.

Everett O'Donnell asked again if the petitioner had proof of sale of the boat, and if the boat is in the water. The petitioner stated he does not have proof and the boat is in the water in Connecticut with the new owner.

Mr. Corley asked the petitioner if the driveway is 34 feet long. The petitioner stated the reason it takes up the whole driveway is because he can't park it right up against the garage door, as he needs to get items out of that garage.

Richard Corley stated without having an accurate survey of the size of his side yard, it is very difficult to determine whether or not the petitioner is encroaching on the first five feet of his yard. Mr. Corley states that even if the Board were to consider allowing someone to park a motorhome on their side yard, which is what the petitioner is asking for, the petitioner doesn't know where it's going to be.

The petitioner stated these dimensions are accurate per Atlas Surveying. Richard Corley stated there are no dimensions, he stated the petitioner is trying to figure it out with his ruler right now, but there is nothing from the surveyor that tells us the size.

The petitioner stated per their last conversation, the Board wanted to know if this line on the site plan was a pavement line or a City line, and based on the 110 foot mark, the sewer plan and the plat. Richard Corley asked how the sewer ties into the property lines and if Mr. Martin has something showing the street has been measured at 50 feet. The petitioner stated the original plat map.

Everett O'Donnell stated when the petitioner was before the Board the first time, someone suggested taking down a section of the fence. The petitioner stated he can't do that, the fence is brand new, and he plans on putting up a bigger shed.

Everett O'Donnell asked why a section of the fence can't be taken down, and a gate made, and put the camper in the back yard. The petitioner stated the backyard is a sanctuary for his kids to play, and he doesn't want them banging up against it or getting hurt on it. He stated the other thing is that shed, the only logical place to make it bigger is to move it to expand it towards the house when he does, so by making the gate bigger, wouldn't allow for him to get more shed space so he can actually park a car in his second bay.

Richard Corley stated the petitioner said he doesn't have a boat right now, and asked if that means the petitioner is not going to have a boat. The petitioner stated he doesn't know what is going to happen in the future, but if he gets a new boat, it won't be the size of the one he owned previously.

The Chairman asked how big his previous boat was. The petitioner stated 30 feet overall with the trailer 32 feet.

Everett O'Donnell asked, instead of putting a gate in, can the petitioner take two sections out, turn and move the two sections and back the camper up against the fence which would move the camper back 8 feet. The petitioner stated that would go over his sewer line.

Richard Corley stated instead of spending money building a new fence or a new shed, the petitioner should pay to keep the camper somewhere else instead of keeping in the side yard in a residential neighborhood. The petitioner stated he is on a waiting list right now for storage.

The Chairman asked if it was for storage of the camper, the petitioner stated yes for the camper.

The petitioner stated he is looking for a secured location within a thirty minute drive from his house, and right now he is waiting on a property in Raynham before winter sets in. The petitioner stated the only reason the camper is at the house right now is because they are going camping this weekend.

The Chairman asked the petitioner if he was is still requesting relief on the boat. The petitioner said no, but if he gets one in the future it won't be as big and obtrusive.

The Chairman stated that from what he is hearing it sounds like the petitioner doesn't want to inconvenience himself. He doesn't want to drive more than thirty minutes, he doesn't want to move his shed, he doesn't want to move the fence because he wants more yard space for the kids. The Chairman stated he wouldn't have an issue putting a camper where the boat was supposed to go but move the fence, that portion of the fence he can jog it, so you don't have to move the shed.

Mark McKenney asked the petitioner what he keeps in the shed. The petitioner stated he keeps a snow blower, wheel barrel, push mower, a second snow blower and a bunch of kids toys. He also stated he has a riding tractor in his bay with more kids toys. He stated in the Southwest corner of the yard they also have a swing set.

The petitioner stated the shed is only 8 feet wide, and in the future he is looking to make it 16 feet wide and to do that and be in compliance, he would have to move it towards the house.

The Chairman stated the petitioner is looking for it all here. The petitioner stated he doesn't want to put the extra weight on the sewer line. The Chairman asked if the boat is in the driveway, doesn't that go over the sewer line. The petitioner stated he can straddle it.

The Chairman stated he knows the petitioner wants the boat and camper there, but if he was a neighbor, he wouldn't want the camper or boat there, boats are ugly when they are out of the water, and having a camper and a boat.

The Chairman stated the petitioner is basing his setback calculations on the plat map, the sewer map and what Atlas said, and it may be right, but it certainly not what they normally expect out of a petitioner to be looking for the relief he is looking for.

The Chairman stated he personally wouldn't be adverse to one or the other if they know exactly where the setback is.

The Chairman stated the information the petitioner is giving the Board is not official information. The petitioner stated he came back to the Board with the answer they were requesting. The Chairman stated he doesn't have the minutes to that meeting, but the Board did request a survey and that's what they normally request and the petitioner doesn't want to get a survey. The petitioner stated the type of survey the Board requested, he received \$2,400 and a \$2,500 quote. The petitioner stated the Board didn't say it was mandatory to get a survey.

Richard Corley asked the petitioner when he purchased a brand new motorhome. The petitioner stated three weeks ago. Mr. Corley stated the petitioner had enough money to buy the new motorhome but not enough money for the survey. The petitioner stated the money from the boat sale is in a different account for that type of stuff. He stated it's like a family vacation fund.

The Chairman stated the Board must of requested a survey if the petitioner got an estimate for a survey. The petitioner stated at a cost of \$2,500 to determine what this line was. The Chairman suggested it shouldn't cost more than a \$700 or \$800 to do the survey. The petitioner asked if they just wanted the corner of the property surveyed. The Chairman replied no, do the whole lot.

The Chairman stated if the petitioner wanted to continue it, to continue it, but he can't guarantee anything. The Chairman stated he personally wouldn't want to see both the camper and boat, even though right now the petitioner doesn't have both, he may get a boat in the future. The Chairman stated it's up to the petitioner, he doesn't want to see him spend the money if it ends up getting denied in the end, but the Board doesn't know what the actual dimensions are going to be, and we owe it to the City and to your neighbors to make sure you are right.

The petitioner asked if he had off-site storage and the camper would only be there for the time of prepping it for a trip, would he still need a variance to bring it on site to get ready for a trip. He stated it would have to be there for a week or two. Richard Crenca looked it up in the Zoning Ordinance and it may be parked anywhere on residential premises for loading and unloading for a period of not more than 24 hours.

Mark McKenney stated to the petitioner that he thinks the Chairman has made it rather clear that right now, they don't have the information they need to be able to give the petitioner a favorable vote. The petitioner asked if the Board could punch list what they need from him. The Chairman stated they need a survey. The Petitioner asked what type of survey they are looking for. The Board is requesting a Class I survey.

Mark McKenney stated the petitioner has some alternatives the Board has suggested both times the petitioner has been there. The petitioner could take down that section of fence and put a gate in, take a look at another location for the shed, there are ways the petitioner could do this without needing relief from the Board. Mr. McKenney stated the petitioner has a sizeable property to work with, and thinks it would be wise, because if he comes back with something similar, even if he spends a few hundred bucks on a survey, the petitioner may find he won't get a favorable result.

The Chairman asked if the petitioner spoke with his neighbors. The petitioner stated the neighbors are fine with everything now, one neighbor had one bad episode a year and a half ago that started all of this. The petitioner stated the first letter he received, it said he had to be 8 feet off the fence, and the second time the inspector came out the fence was being installed, they moved the trailer off to the side, which he claims put him in violation, so the Inspector wrote him up again. The petitioner states the third time the inspector came out, he found out he had to be 25 feet off the property line.

The Chairman stated that is why they need to be accurate, and again doesn't want to put the petitioner through that cost and then for some reason have it not come out favorable to him. The Chairman stated the petitioner should be looking at other alternatives. The Chairman asked how much the camper weighs and if it can't go on top of the sewer line. The petitioner states the camper weighs 6,000 and the boat weighed 8,100 so it's 2,000 pounds lighter.

The petitioner states the fence is not even a year old. Everett O'Donnell suggested moving a few sections to back the camper in, it could save the petitioner some space and it's

something to think about. The petitioner stated the fence company has to come fix the gate and will see if they can give him an estimate for that.

Richard Corley stated the petitioner said he had an 8' x 10' shed, and want to increase the size, but the petitioner will need to amend the petition to do that. The petitioner stated he is not looking to do that at this time.

Everett O'Donnell stated he was concerned about the petitioner getting another boat. The petitioner stated he would remove that request from the petition, and come back before the Board in the future if he decides to get a new boat.

The Chairman asked the petitioner if he wanted to continue this. The petitioner stated yes, and asked how much a survey would cost.

Mark McKenney suggested it would be ideal to look at some other alternatives that way the petitioner may not have to come back before the Board.

The Chairman stated if the petitioner finds out the setback he has is accurate, he may want to look at other alternatives.

Richard Corley stated he has never objected to a continuance before but under these circumstances, I'm not sure I'm agreeable to continuance. Mr. Corley stated the petitioner had the opportunity to provide the Board with the information they requested and the petitioner has explained it and Mr. Corley had some questions about the way he explained and he certainly wouldn't move for a continuance for him.

The petitioner stated it was not requested he return with a survey, it was requested he return with what this line was, and states he did that by going to someone who does the work for the City and getting his documentation.

The Chairman stated if they are requesting a continuance, the Board will need to vote on it.

Mark McKenney moved to vote, and stated it may be a way of resolving the issues. If the petitioner goes back and finds there was some other ways to accomplish what he wants to accomplish, but perhaps with being inconvenienced a bit himself. Otherwise we would be asked here to vote on a situation that's not a hardship but really seems like a mere inconvenience. For that reason, Mr. McKenney recognizes what Mr. Corley is saying, but he thinks the gentleman can have another opportunity to get it straight and if he wants to come back, Mr. McKenney strongly recommend the petitioner come back with the things they discussed tonight. With that said, Mr. McKenney moved to a continuance for the next docket. Julie Finn seconded the motion. Mr. McKenney voted yes, Ms. Finn voted yes, Mr. Corley voted no, Mr. O'Donnell voted no, Mr. Morash voted yes.

After the vote, the petitioner asked the Board if they wanted him to return with a Class I Survey.

Everett O'Donnell stated he doesn't believe the petitioner will be able to get a survey within a month.

The Chairman stated while he is waiting to get a survey, the petitioner may want to price out other options. The Chairman stated the petitioner needs to have the right information for them to make a decision.

The petitioner again asked what information he needs. The City Solicitor Diana Pearson stated to the petitioner, that it is his application process, and it's not up to the Board to give him legal advice. The petitioner stated they had a miscommunication last time. Ms. Pearson stated the Board is asking him for more detailed measurements to supplement his petition, and the detailed information, a Class I Survey is sufficient for them to find distances.

Mark McKenney moved to amend the motion to allow Mr. Martin to come back at a future date when he has a certified Class I Survey. Julie Finn seconded the motion. Mr. Corley voted no, Mr. McKenney voted yes, Ms. Finn voted yes, Mr. O'Donnell voted no, Mr. Morash voted yes. Yes in favor (3 to 2).

Petition #10402

Ward 5

1330 Warwick Neck Ave.

The petition of Cheryl Starkey, 1330 Warwick Neck Ave., Warwick, RI for a request for a dimensional variance to raze existing attached greenhouse and construct a new 12.8' x 12.2' screened porch, subject property having less than required side yard setback (1330 Warwick Neck Ave., Warwick, RI, Assessor's Plat 385, Lot 72), zoned Residential A-40.

Cheryl Starkey, petitioner, 1330 Warwick Neck Ave., Warwick, RI, was present and sworn in by the Chairman.

Kenneth Starkey, petitioner, 1330 Warwick Neck Ave., Warwick, RI, was present and sworn in by the Chairman.

The Chairman asked the petitioners to sum up what they are looking to do.

The petitioner, Cheryl Starkey stated there is an existing greenhouse on the property, that's been there for a long time, and falling down, and they would like to raze that part, and then add on to build a screened porch in its place. Ms. Starkey stated the existing structure is 16' x 12'.

Everett O'Donnell asked if they have talked to their neighbors. Ms. Starkey stated, no she has not.

The Chairman asked how much relief they are looking for. Everett O'Donnell stated they are making it bigger, he believes. Ms. Starkey stated yes, they are making it a little bigger to go to the end of the existing house.

Mr. O'Donnell asked if it is the brown house. Ms. Starkey said it is grey. It's the second to the left before the lighthouse.

Everett O'Donnell asked if there is any drainage or piping on that side between the properties. Ms. Starkey said the septic system was on that side, and yes there was drainage. Mr. O'Donnell asked the petitioner how far off they will be from that. Ms. Starkey stated she does not know.

The Chairman asked Ms. Starkey if it will be a four season room. The petitioner stated no, they have decking now, and they are going to continue that azek decking around, and then the screens. Everett O'Donnell asked if there would be a foundation. Ms. Starkey said no foundation, it will be built on pylons.

Mr. O'Donnell said he was concerned with the drain line, since the petitioners don't know how close they will be to it.

Richard Corley stated there was a lot of room behind the house, and why are they trying to squeeze it in on the side. Cheryl Starkey stated because the existing structure is there, and they wanted to use that and also because that side is the water view side, so they wanted to still be able to see the water.

The Chairman asked what the setback was over there. Thirty feet (30') is required.

Mark McKenney asked the petitioner what kind of drainage was there. Ms. Starkey stated she honestly didn't know.

Richard Crenca asked the petitioners if the drain is a City drain and if there is an easement across the property. Ms. Starkey stated she doesn't believe there is an easement. Mr. Crenca stated it was probably private drain put in at some point by the homeowner. Mr. Starkey stated yes, because they do have them in other parts of the house. Mr. Starkey stated around the back of the house they had a drainage area. Mr. Starkey stated the drainage was probably most likely put in by the previous owners of the property. Mr. O'Donnell asked if he knew that for a fact. The petitioner stated no, he did not know that for a fact.

Richard Corley stated they are asking for relief because it's a mere inconvenience, and Mr. Corley doesn't see it meeting that standard, especially with the uncertainty where the drainage is.

The Chairman said he would be concerned with the drain, and doesn't know if the City put that in or if that was there at one time, and if it ever had to be dug up they wouldn't have the room.

Mr. Starkey stated he respectfully understands their point about convenience, and it just seemed logical to the petitioners to improve the greenhouse, because that structure is very old, in disrepair, and they look at that as an improvement to the property.

Everett O'Donnell asked if there was a neighbor on the side they are building on. The petitioner stated yes. Mr. O'Donnell asked where the water was. The petitioner showed Mr. O'Donnell on the plan where the water was.

Mr. McKenney suggested constructing the screen room on the water side, perhaps where the corner of the petitioners deck is, and then the petitioners wouldn't have to worry about setbacks.

The Chairman stated they have an existing deck there already.

Mr. McKenney stated in terms of avoiding problems with setbacks, taking a small portion of that deck and turning into a screened porch would accomplish what the petitioners want but would avoid the Board having to grant them relief, when it may or may not reach the standard as Mr. Corley said that is a hardship and has to be more than a mere inconvenience. Mr. McKenney asked if it was a hardship not to be able to build that screened porch in exactly the place the petitioners want to, and stated he is not sure the Board is going to agree it's a hardship. Mr. Starkey stated he doesn't believe it's a hardship living at the end of Warwick Neck.

The Chairman asked the petitioner what the objection would be to taking a piece of the existing deck and converting that. Mr. Starkey stated it's already set up where it has a retractable awning, there is some stonework there. It wasn't put together for a screened porch.

Mark McKenney stated he can understand that, and thinks it may be wise for the petitioners to go back and take another look at this, maybe talk to the neighbors or look at alternatives, because it is possible if you ask for a vote tonight, it may not go in your favor. Mr. McKenney suggested they try to work this out in a different way that avoids them even having to come back to the Board.

Cheryl Starkey asked if they would have to apply again if they were to build in within the existing structure.

Richard Crenca stated once they take down the structure, anything built there will have to meet setback requirements. Mr. Crenca stated even if you build in the same footprint, once you take it down, you basically you lose whatever grandfather rights that might have been in effect and to rebuild, you would have to either meet the setbacks or get dimensional relief.

Mark McKenney asked if there was a difference between tearing it down and rebuilding or remodeling it. Mr. Crenca stated if they could do it without demolishing the structure they could remodel it to become a screened porch.

Mr. McKenney stated rather than going forward and have it denied, it might be a wise idea to go back and talk to the neighbors, because some people may have concerns about it. Cheryl stated she doesn't understand why she needs to involve the neighbors. She understands they can say what they want to say about it, and says the neighbors aren't particularly friendly and have not been in the three years the petitioners have lived there, and she doesn't feel comfortable approaching them. Mr. McKenney stated the petitioners don't have to speak to them but if they come in, you may not be able to persuade five votes.

Ms. Starkey asked what the difference would be between remodeling or razing it and stated she doesn't understand legally what to do there. Richard Crenca suggested she call the Building Official's office, speak to the Building Official and ask him what he would determine to be new construction or renovation, because that is his call.

The Chairman asked what is on the floor in the screened porch. Ms. Starkey said cement pavers.

Mark McKenney asked if they are requesting a continuance. The petitioners stated yes. Mr. McKenney said they can re-file if they come back.

Mark McKenney made a motion to continue, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be CONTINUED.

Mr. Corley left due to a prior commitment and Ms. Finn became the voting member

Petition #10404

Ward 5

180 Samuel Gorton Ave.

The petition of Jennifer Manning, 180 Samuel Gorton Ave., Warwick, RI, for a request for a dimensional variance to close in a portion of the existing porch to construct a new bathroom, having less than required front yard setback, Assessor's Plat 356, Lot 18, zoned Residential A-7.

Gregory Manning, petitioner, 180 Samuel Gorton Ave., Warwick, RI, was present and sworn in by the Chairman.

Jennifer Manning, petitioner, 180 Samuel Gorton Ave., Warwick, RI, was present and sworn in by the Chairman.

The Chairman asked the petitioners to sum up what they are looking to accomplish.

The petitioners stated they are looking to close in a section of their wrap around porch for a first floor bathroom. Mark McKenney asked if they are staying within the existing footprint. The petitioner stated yes.

Mark McKenney stated he went by the petitioners house and asked if they area where the Tyvek is the area the work is being done. Mr. Manning said yes.

Everett O'Donnell asked if they were only asking for 12' of relief. Mr. Manning stated yes.

Mr. O'Donnell stated it was pretty straight forward.

The Chairman asked if the petitioners have talked to their neighbors. Mr. Manning said he knows the neighbors directly around him and none of them seemed to have an issue.

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

There being none, Everett O'Donnell made a motion to grant the petition, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition # 10405

Ward 4

6 Woodstock Dr.

The petition of David E. Radcliffe, 6 Woodstock Dr., Warwick, RI, for a request for a dimensional variance to construct an in-law apartment. Proposed in-law apartment having more than allowed square footage and a separate entrance (no common entrance to the main dwelling). Assessor's Plat 329, Lot 495, zoned Residential A-7.

David Radcliffe, owner, 6 Woodstock Dr., Warwick, RI, was present and sworn in by the Chairman.

Albert Bagley, 45 Spywood Ave., Warwick, RI, brother in-law of the petitioner, was present and sworn in by the Chairman.

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

The Chairman stated we heard the comments from the Planning Department, they make recommendations, sometimes the Board goes along with them, sometimes they don't. The Chairman said the petitioner needs to make his argument here why he thinks it should be bigger and why it doesn't have internal access. Mr. Radcliffe said it does have internal access, it's not on the plans, but there is a door there currently. He stated it was an oversight on the plans. The Board asked the petitioner to clarify where on the plans the door is. Richard Crenca asked if there was a door that went from the garage, into the space, and then into the existing dwelling. The petitioner stated there is a door in the garage but just an opening from the hallway into the main dwelling.

Everett O'Donnell asked if there is an entrance inside the dwelling, if they need an exterior entrance. Richard Crenca stated you are not allowed to have an exterior entrance, but he is asking for relief from that. Mr. Crenca stated his concern was there was no access into the main house from the garage, and this could very easily be set up as a rental unit, but the petitioner has stated there is in fact, an entryway into the house from the garage, which didn't show up on the plans. The petitioner stated the door is there and they have no intention of closing it up.

The Chairman stated if this was to be approved tonight it would be stipulated that this can't be used as an apartment or rental unit in the future.

The petitioner, David Radcliffe, testified that he will live in the accessory dwelling unit and his father will live in the main dwelling.

The Chairman asked Mr. Radcliffe if at some point he will move into the main house. Mr. Radcliffe stated that was not his plan, the Chairman asked maybe at some point, and the Petitioner said maybe when he is 85. The Chairman clarified they aren't creating an opportunity for a rental apartment. The Chairman stated when the petitioner sells the house, they buyer will look at it as a rental unit.

Everett O'Donnell stated if they do sell the house, it opens the door for someone to buy it and use as a rental unit without coming to the Board.

Paul Wyrostek asked the petitioner if the in-law unit will be the same square footage as the garage. The petitioner stated it is a little bit larger, it is designed like a garrison house.

Everett O'Donnell stated he is still not comfortable with an exterior entrance. The Chairman stated it is not exterior, it is into the garage. Mr. O'Donnell stated it can still be turned into a rental unit. The petitioner stated the exterior door gives you access to the garage as well as the staircase to the in-law.

Julie Finn asked if there was a door in front of the stairs, where you could put up a petition and go in the door, up the stairs and into the apartment without going into the garage. The petitioner stated, you could, it is possible.

Mark McKenney stated the Planning Department wouldn't have a problem if we stipulated, no use as a rental unit, and if it ceases to be used as an accessory dwelling unit (in-law) then the kitchen would have to be removed to include all appliances, cabinets, countertops, and the plumbing is to be capped.

Richard Crenca asked the petitioner if he is agreeable to all the stipulations. The petitioner stated absolutely, his intention is to use it as an in-law. The petitioner stated he understands the Boards concern, where down the road it could be turned into a rental unit.

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

Mark McKenney moved to approve of the request. Mr. McKenney stated he went by the property and believes the addition will be an improvement and for many reasons will be in line with the neighborhood. In light of the comments from the Planning Department, there are certain stipulations that the Board would have to require, and that would include the stipulation that it will not be used as a rental unit, that it be maintained as an accessory dwelling unit, if it ceases to be used as such, the kitchen shall be removed and that includes everything, including the capping of the plumbing. With that and with those stipulations we will include the existing free access to the main dwelling shall remain. We have been given assurance that there is free access between the garage and the existing dwelling that will be maintained, again as a stipulation, and made a motion to grant the petition, seconded by Paul Wyrostek and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition # 10406

Ward 8

11 Vancouver Ave.

The petition of Tom Thibeault, 11 Vancouver Ave., Warwick, RI, for a request for a dimensional variance to construct a 10' x 12' shed, proposed shed having less than required side yard setback. Subject property being a legal conforming lot, Assessor's Plat 257, Lot 56, zoned Residential A-7.

Thomas Thibeault & Susan Thibeault, 11 Vancouver Ave., Warwick, RI, petitioners, were present and sworn in by the Chairman.

The Chairman asked if he was looking to put in a shed. The petitioner stated it was already built.

The petitioner stated his neighbors have no problem with the shed.

The Chairman asked why the petitioners didn't get a permit for the shed. Susan Thibeault stated she went to apply for the permit, but was unaware she had to draw the plan to scale, says she tried to do it. She was told by the Building Department that it had to meet

setbacks, but it would've had to be placed over their septic tank or right behind their house which is on an incline.

Everett O'Donnell stated it's pretty straight forward.

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

There being none, Everett O'Donnell stated since the shed is already up, and there were no objectors in the neighborhood, Mr. O'Donnell made a motion to grant the petition, seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED.

Petition #10408

Ward 4

154 Shawomet Ave.

The petition of Robert & Eleanor Hull, 154 Shawomet Ave., Warwick, RI, request for a dimensional variance to construct a second floor addition over portion of existing first floor. Proposed addition having less than required side yard setback. Assessor's Plat 334, Lots 1 & 2, zoned Residential A-40 (formerly A-10).

Steve Medeiros, Architect, 78 Page Ave., Pawtucket, RI, was present and sworn in by the Chairman.

Eleanor Hull, petitioner, 154 Shawomet Ave., Warwick, RI, was present and sworn in by the Chairman.

The Chairman asked the petitioner and Architect to sum up what they are looking to do.

Steve Medeiros stated the petitioners have owned the property since 1998. The dwelling is a two story structure with a one story sunroom and their intent was to add a second story addition to that portion of the structure. The Architect stated they have received an elevation certificate along with having the property surveyed to be sure the finished floor will be above the flood elevation. The Architect stated the existing two story structure needs some strengthening, so they will be modifying the roof lines and increasing ceiling height to 8 feet. He states the height may increase but the overall height will remain under the 35 feet requirement.

The Chairman asked if the petitioner has talked to the neighbors. Eleanor Hull stated yes she has.

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

Mark McKenney stated this proposal is keeping within the neighborhood, it is essentially straight forward and made a motion to grant the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10409

Ward 5

100 Carder Rd.

The petition of Paul Olivieri, 100 Carder Rd., Warwick, RI, request for a dimensional variance to construct a new single family dwelling with an attached garage. Subject property being an undersized non-conforming lot, proposed dwelling having less than required rear yard setback, front yard setback and Coastal feature setback. Assessor's Plat 358, Lots 372 & 373, zoned Residential A40 (formerly A-7).

Paul Olivieri, petitioner, 100 Carder Rd., Warwick, RI, was present and sworn in by the Chairman.

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

Everett O'Donnell asked the petitioner if he agreed with the stipulations.

The petitioner stated he was a little confused with some of it. He stated the water run-off is coming from the street onto his property.

The petitioner stated he just wants to build his house. He stated everything from Coastal was lifted and he has the originals

Everett O'Donnell asked Richard Crenca if we approve this petition will that nullify all the Coastal violations. Richard Crenca stated no, only Coastal can rectify those.

The Chairman asked how many violations there were. Mr. Crenca stated there were four released, with three more that need to be released from Coastal.

Paul Olivieri states he went down to Coastal and had them make duplicates. He states the director of Coastal and he told him everything was lifted for him to build his home. Mr. Olivieri states they told him there are no violations, and they will give him whatever he needs to build.

Mr. Olivieri states the water runs down that street and runs under his house next door and some of it does go into the bay. The petitioner states Marcus from the Engineering Department was down there the other day looking for the drainage.

Everett O'Donnell stated after looking at that property, building a house there would be a great improvement and the condition it's in now is probably more of an eyesore now.

Mr. Olivieri stated he has been living in the trailer a long time.

Richard Crenca stated the consent agreement that Paul had signed with Coastal to straighten all this out identifies a number of cease and desist orders. Mr. Crenca states they sent him the releases on four of those, they didn't send the releases on three of them. Mr. Crenca stated all we need from Coastal is a letter releasing the other three.

Everett O'Donnell asked if we could approve it tonight with stipulations. Richard Crenca said yes.

Mark McKenney stated with the stipulations set forth, this can easily be satisfied.

Richard Crenca stated everything in the consent agreement has to be complied with before the petitioner can receive a building permit, along with the cease and desist orders being released.

Paul Olivieri states Brian Harrington was on his property looking at a house they were building in Warwick Cove, he told Paul the house has to come down. Paul Olivieri states John Pagliaro took care of everything for him at the time. Mr. Olivieri states Coastal would not give him a permit to demolish the house because he had outstanding violations, but he went back to the Building Department and they gave him a permit to demolish the dwelling. He states three days after demolishing the house he received a cease and desist order.

Richard Crenca stated Paul Olivieri needs to get the releases for three outstanding cease and desist violations. Mr. Crenca also told Mr. Olivieri he will need to also get approval from Coastal to rebuild the house.

Everett O'Donnell asked the petitioner if he has flood insurance. Mr. Olivieri said no, he is building the house out of his pocket.

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

Dana Corson, 64 Carder Rd., Warwick, RI, was present and sworn in by the Chairman. Ms. Corson prepared a formal letter of objection with some exhibits for the Board.

The Chairman asked Ms. Corson if she owns the dwelling next to Mr. Olivieri's lot. Ms. Corson confirmed that Mr. Olivieri owns the two family dwelling, and that she is at 64 Carder Rd., at the corner of Carder Road and Ann Street.

Ms. Corson states the petitioner continues to use the City road as his personal property, with construction equipment, cars, trailers, signs that state no parking, no trespassing, private property.

Everett O'Donnell asked Richard Crenca if he knew of any violations on the property. Mr. Crenca stated the Planning Department would not handle that, it would be the Prop

erty Maintenance Department. Mr. O'Donnell said they could confirm with the petitioner that if there are no violations from the police department or the City that there are no violations, there really isn't an issue until there are violations. Mr. O'Donnell states the petitioner is parking his vehicles there because he has no place to park them or the boat, so if he is parking on the street and there are no violations from the police department or the City, then there is no argument there.

Ms. Corson states there are no parking signs on that side of the street where Mr. Olivieri is parking.

Mary Channing, 64 Carder Rd., Warwick, RI, was present and sworn in by the Chairman.

After further discussion, Everett O'Donnell asked Dana Corson, if she would rather see a new house down there or the existing conditions. Ms. Corson stated she was not here to prevent the applicant from his right to build a single family dwelling. Ms. Corson stated she has a concern with how large the proposed dwelling and three car garage will be, and feels it doesn't fit with the characteristics of the neighborhood.

Mark McKenney asked Ms. Corson if she is suggesting Mr. Olivieri shouldn't have a three car garage. She stated there are no three car garages in the neighborhood.

Everett O'Donnell asked Ms. Corson if the three car garage would be blocking her view. Ms. Corson said it would be, but that is not one of her issues. Mr. O'Donnell stated when Ms. Corson first started she was complaining about him parking his vehicles on the street, and asked Ms. Corson if she would rather the vehicles be parked in the garage or left on the street. Ms. Corson believes he would have plenty of room, if he would amend his plan to further a driveway on his lot.

Ms. Corson believes Mr. Olivieri is trying to take over the City property at the end of Carder Rd. She states they have been complaining since they bought their property in 2006. Ms. Corson states they have been working with the Councilman to try to resolve these issues.

Richard Crenca stated the way he reads the proposed plan, Mr. Olivieri is not being given a portion of Carder Rd. The improved gravel area will have to be approved by the Public Works and will still remain part of Carder Rd. whether it is improved or not.

The Chairman asked when the original house burned down. Ms. Corson stated in 2006 or 2007 there was a flood in March, and as explained to her, the house was built on a barge, and lifted up when it flooded, separated the gas and electric line and it sparked.

The petitioner, Paul Olivieri, stated Ms. Corson doesn't live at 64 Carder Rd., she lives in Connecticut. Mr. Olivieri says he parks at the end of the street.

After much discussion about the parking, Everett O'Donnell suggested to the Chairman they were getting off the subject. The petitioner was here requesting relief, not to talk about parking.

Ms. Corson stated although they have gotten off track, this all leads back to the three car garage that is too big, for the too big house, and she believes Mr. Olivieri is asking for much more than he needs and it greatly impacts the neighborhood.

The Chairman stated he doesn't buy the argument that just because there are no other houses like that, that the petitioner can't have one. The Chairman stated all of these cottages and older homes are being upgraded & updated.

Mark McKenney had a concern with good faith, because they are asking for good faith in terms of setting forth these stipulations and expecting compliance, and it concerns him when looking at what essentially appears to be the petitioner taking over the road and that does go to the credibility and good faith of the petitioner.

Everett O'Donnell stated if he builds the three car garage, the vehicles will be off the street and then there won't be a problem.

Mr. Olivieri stated when the house is built, everything will be off the street.

Dana Corson stated the duplex Mr. Olivieri owns, is on a separate lot and have their own parking and never park in the road.

The Chairman asked Mr. Olivieri if that was the area he just cleared for parking. Mr. Olivieri confirmed it was.

Mr. Olivieri stated there was another neighbor there.

John Stone, neighbor, 83 Carder Rd., Warwick, RI, was sworn in by the Chairman.

The Chairman asked Mr. Stone if he was here in opposition of the petition. Mr. Stone stated he was in favor of the petition.

Mr. Stone stated he has lived in his house for a year. He understands the petitioner's house was destroyed and he wants to rebuild it. As far as the parking, it doesn't bother Mr. Stone, he is okay with it.

The Chairman asked Mr. Stone if this would have more of an effect on him rather than then other neighbors. He stated yes.

Everett O'Donnell asked if Mr. Stone has a problem with the parking. He said he doesn't have a problem they park in their own driveway.

Everett O'Donnell stated again once the three car garage is built it will rectify this.

Mark McKenney stated he doesn't have a lot of confidence it will be done. He stated this has been going on for years. Everett O'Donnell stated that's one issue, but when they start changing things, and not addressing the petition that is in front of them, they lose track of what they are there for, and that's not what they are here for.

The Chairman stated the house has to be replaced, otherwise it's a dump down there.

Mark McKenney stated he would like to see what violations the City has. Everett O'Donnell stated if they have issues with parking after the garage is built, they can have the Councilman put up no parking signs, or they can call the police to tag him every day.

The Chairman stated the way he sees it, it's been like that since the petitioner bought the property and he's had the ability to use it even though he's been noticed. Obviously he had a disaster in the interim, so you have to take a lot of things into consideration here, you can't leave it the way it is.

After further discussion regarding the parking, and the right of way to the water, Paul Wyrostek asked the Board what they are judge and jury for as far as the zoning request. Everett O'Donnell stated looking at the petitioners request, he is not out of line with set-backs. Mr. O'Donnell stated they have approved similar situations in the past. Mr. O'Donnell stated as far as all the other things, they can include in the stipulations Mr. Olivieri must remove the trailer once the house is built and has a Certificate of Occupancy.

Mr. McKenney stated he was not satisfied with the least relief necessary and would like to hear more of what the City in respect to this whole thing and believe this is probably premature.

Everett O'Donnell asked with Mr. Olivieri that once the house and garage is built, he will not park on the road any longer. Mr. Olivieri said everything will be moved including the boat.

The Chairman confirmed with Mr. Olivieri that he will not park on the road once the garage is built. Mr. Olivieri stated he will not park on the road and will park everything in the garage.

The Chairman asked if there was anyone else there in opposition of in favor of the petition, there being none, Everett O'Donnell stated that after the petitioner has stated he will remove the trailer once the house is built, Mr. O'Donnell would like to add that as a stipulation, along with the other stipulations that Mr. Olivieri has agreed to. Furthermore, Mr. Olivieri has also agreed that once the house is built there will be no more parking on the street. Mr. O'Donnell stated we have to take Mr. Olivieri for his word, he is under oath. After looking at the property it seems like it has been run down for many years.

Mr. O'Donnell believes it will be a great addition to the neighborhood, and Mr. Olivieri has agreed to all of the stipulations so with that Mr. O'Donnell made a motion to grant the petition, seconded by Julie Finn and passed by a four to one vote by the Board that this petition be GRANTED WITH STIPULATIONS. (Mark McKenney voted denial).

Petition #10410

Ward 3

388 Lake Shore Dr.

The petition of Laurance Jones, 21 Cherry Rd., Cranston, RI, request for a dimensional variance to demolish existing dwelling & construct a new single family dwelling, and an addition to existing garage, and a deck. Proposed dwelling & deck having less than required corner side yard/side street setback. Assessor's Plat 327, Lot 225, zoned Residential A-7.

Michael A. Strashnick, owner, 555 Main Ave., Warwick, RI, was present and sworn in by the Chairman.

Laurance C. Jones, petitioner, 21 Cherry Rd., Cranston, RI, was present and sworn in by the Chairman.

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

Laurance Jones stated their scope of work was to raze the existing 700 square foot dwelling and construct a new single family dwelling that is in keeping with the characteristics of the neighborhood. Mr. Jones stated the new dwelling is approximately 1370 square feet, and the limitations of the property due to the owners own requirements relative to garages, he want to put a good size garage.

Mr. Jones noted they need to provide a plan showing where the wetland is flagged.

Mark McKenney asked if they were demolishing the existing garage. Mr. Jones stated the existing garage was staying, and there are two (2) new garages. Mr. Jones stated there is no impact on the 24" reduction from the paper street.

Mr. Jones stated their goal was to build an energy efficient house.

Mr. Jones requested to change the setback from 25 feet to 18 feet. It was discussed with the Board, and due to the change not being advertised, the petitioners are unable to change the setback. Mr. Jones suggested if they get an average alignment for this change, they will not need to come back to the Board.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Everett O'Donnell stated the petitioner has agreed to the stipulations, and it's going to be a great improvement to the neighborhood, and made a motion to

grant the petition, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10411

Ward 4

Saint Claire Ave.

The petition of Frank Dino, 2234 N. Federal Hwy., Suite 470, Boca Raton, FL, Joseph Casali, 33 College Hill Rd., Suite 15-E, Warwick, RI, and K. Joseph Shekarchi, Esq., 33
Minutes for the regular hearing of September 13, 2016 Page 23

College Hill Rd., Suite 15-E, Warwick, RI, request for an Amendment to a previously granted resolution, Petition # 9621, granted May 13, 2008 to construct a single family dwelling. Subject property being a non-conforming, vacant, unimproved lot, Assessor's Plat 334, Lot 125, zoned Residential A-40.

K. Joseph Shekarchi, owner & Attorney, was present and sworn in by the Chairman.

Richard Crenca, Warwick Planning Department, incorporated his recommendations into the record.

Mr. Shekarchi stated he and Mr. Casale are both owners of the subject property. Mr. Shekarchi stated they have a potential buyer for the property and they are requesting an extension of the backyard of 15 feet.

Mr. Shekarchi states the reason they are requesting the amendment is because the original approval says no changes unless you come back before the Board.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Paul Wyrostek stated this is pretty straight forward and made a motion to grant the petition, 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 Mark McKenney and passed unanimously by the Board that the meeting be adjourned at 8:53 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RI

Donald G. Morash, Jr.
Chairman