

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE JUNE 10, 2014 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, June 10, 2014 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
Attilio Iacobucci
Beverly Sturdahl

Alternates: Paul Wyrostek
 Julie Finn

Also present: Diana Pearson, 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 May 13, 2014 hearing. A motion was made by Attilio Iacobucci, seconded by Beverly Sturdahl and passed unanimously by the Board.

The Chairman declared a quorum. The Chairman asked if there were any petitions to be withdrawn or continued.

The Chairman stated that Petition #10133 had been WITHDRAWN.

Petition #10133

Ward 9

61 Charlotte Drive

The petition of Roy Lasky, 61 Charlotte Drive, Warwick, RI, for a request for a dimensional variance to construct a bulkhead on existing dwelling, proposed bulkhead having less than required side yard and coastal feature setback, subject property being an undersized non-conforming lot, northerly side of Charlotte Drive (61), Warwick, RI, Assessor's Plat 201, Lot 154, zoned Residential A-15.

The Chairman called the first petition.

Petition #10126

Ward 5

254 Trent Avenue

The petition of Seth Sorbel, 254 Trent Avenue, Warwick, RI, for a request for a dimensional variance to construct a 20' x 25' addition on existing dwelling, proposed addition having less than required side yard setback, southeasterly corner of Trent Avenue (254) and Sandy Lane, Warwick, RI, Assessor's Plat 349, Lot 675, zoned Residential A-7.

Gordon Fagundes, 41 Erroll Street, Warwick, contractor for the petitioner, was present.
Seth Sorbel, petitioner, 254 Trent Avenue, Warwick, was also present.

The contractor for the petitioner stated that the petitioner proposes to construct a 20' x 25' addition to the rear of the dwelling for additional living space. The addition would be for a family room. The petitioner spoke with the neighbor and they did not have an issue with the setback.

Mr. Corley stated that the petitioner spoke to the neighbor and there is no issue. There is no opposition to the petition. The addition would improve the look of the house. 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 this petition be GRANTED.

Petition #10127

Ward 5

300 Blackstone Avenue

The petition of Mark Albert, Trustee, 300 Blackstone Avenue, Warwick, RI, for a request for a dimensional variance to construct an addition to existing legal non-conforming guest house, proposed addition having less than required front yard setback, southerly side of Blackstone Avenue (300), Warwick, RI, Assessor's Plat 382, Lots 97 & 98, zoned Residential A-40.

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

Thomas Sweeney, real estate expert, was also present. (Motion was made by Everett O'Donnell, seconded by Attilio Iacobucci and passed unanimously by the Board.)

Mark Sacoccio, Architect, was also present.

The attorney stated that there are two dwellings located on the property. One of the dwellings is a guest house that was originally approved by the Zoning Board in June of 2000.

The architect described the proposed plan to the Board. The petitioner proposes to construct a 350 square foot addition onto the guest house. The proposed addition would meet all the setbacks. The existing guest house does not comply with the setbacks and the Board stipulated that any changes to the guest house would have to come back to the Board.

Mr. Sweeny explained his findings and described his report to the Board.

Mr. Corley stated that the proposed addition is a small addition to the guest house. There were no objections from the neighbors. The proposed addition would be in keeping with the character. With that statement he made a motion to approve the petition. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that this petition be GRANTED.

Petition #10131

Ward 8

166 Greenwich Avenue

The petition of Kevin Dail, 166 Greenwich Avenue, Warwick, RI, for a dimensional variance to construct a dormer (13' x 26') addition on existing dwelling, proposed addition and existing dwelling having less than required side yard setback, easterly side of Greenwich Avenue (166), Warwick, RI, Assessor's Plat 274, Lot 121, zoned General Business (Residential A-7).

Kevin Dail, petitioner, 166 Greenwich Avenue, Warwick, was present.

Robert Dail, father of the petitioner and abutting property owner, 172 Greenwich Avenue, was also present.

The petitioner stated that he proposes to construct a dormer addition to the back second floor of the dwelling. The house is a cape and has slanted ceilings and he is looking for additional ceiling height for the second floor bedrooms. He is seeking 2' relief from the side property line.

Everett O'Donnell stated that there was no opposition to the petition and it is a simple addition. With that statement he made a motion to approve the petition. The motion was seconded by Richard Corley and passed unanimously that the petition be GRANTED.

Petition #10132

Ward 9

81 Charlotte Drive

The petition of John & Julie Shekarchi, 81 Charlotte Drive, Warwick, RI, for a request for a dimensional variance to remove front portion of existing dwelling and reconstruct said portion of dwelling, subject property being an undersized non-conforming lot, dwelling and proposed reconstruction having less than required front yard, side yard and coastal feature setbacks, northerly side of Charlotte Drive (81), Warwick, RI, Assessor's Plat 201, Lot 150, zoned Residential A-15.

John Shekarchi, Esq., petitioner, was present.

Edward Pimentel, land use expert, was accepted by the Board (Motion was made by Richard Corley, seconded by Everett O'Donnell and passed unanimously by the Board.)

The petitioner stated the proposal is to remove a portion of the front of the existing dwelling and reconstruct the section. The dwelling does not comply with the front yard, side yard of coastal feature setbacks. The subject property is an undersized lot. The petitioner stated that the dwelling is a legal pre-existing non-conforming dwelling. The lot is a recorded lot of record and the petitioner is seeking relief under the Viti Doctrine. The proposed addition would maintain the same setbacks as the existing dwelling. They are raising roof line and it is an intensification of the non-conforming dwelling. The petitioner has a CRMC permit.

Mr. Pimentel described his findings to the Board.

Mr. Corley stated that the footprint will remain the same. The rear roof line would be raised and does not see any reason why it should not be granted. 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 this petition be GRANTED.

Petition #10134

Ward 5

45 Nightingale Avenue

The petition of Brian & Carol Mazmanian, 354 Otis Street, Newton, MA, for a request for a dimensional variance to construct a 14' x 14' porch on the rear of the existing dwelling with less than required side yard setback, to construct a 2.5' x 16.2' addition to the left side of the existing dwelling with less than required side yard setback and to construct a 2' x 28' addition to the back right corner of the existing dwelling with less than required side yard setback, northerly side of Nightingale Avenue (45), Warwick, RI, Assessor's Plat 385, Lot 12, zoned Residential A-40.

Brian & Carol Mazmanian, petitioners, were present.

Carl Saucebury, Architect, was also present.

The architect described the plans to the Board. There are three changes the first one would be a small addition to the left side under an existing overhang. The second one would be off the rear of the dwelling under an overhang and the third addition would be a screened porch over the existing deck. The house is pre-existing and the character of the dwelling is unique.

There was one neighbor present in objection.

Robert Sangster, 55 Nightingale Avenue, was present in objection.

He stated that the screened in room would affect his quality of life. The room would abut his bedroom window. He submitted a letter of objection to the Board (Petitioner's Exhibit #1)

There are currently no windows on that side of the petitioner's house. It is the garage. He is concerned about noise

David Talbott, 1188 Warwick Neck Avenue, was present in objection.

He stated that when the neighborhood was developed it was not developed with bedrooms to porches

Mary Jane Wlech, 1200 Warwick Neck Avenue, was also present in objection.

Mr. Corley stated that the he does not see any reason not to grant the petition. It is consistent with the previous application. The petitioners' have a right to screen in their porch it is not outside the setback currently. With that statement he made a motion to approve the petition. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that the petition be GRANTED.

Petition #10135

Ward 6

9 Seminole Street

The petition of Mark Johnson, 9 Seminole Street, Warwick, RI, for a request for a dimensional variance to remove the existing second floor and construct a new second floor addition on existing dwelling, existing dwelling and proposed addition having less than required, front yard and side yard setbacks, subject property being an undersized non-conforming lot, westerly side of Seminole Street (9), Warwick, RI, Assessor's Plat 376, Lot 257, zoned Residential A-10.

Mark Johnson, petitioner, 9 Seminole Street, Warwick, was present.

Mr. Johnson stated that he is proposing to remove the roof of his second floor and expand the ceiling height. The footprint of the house would not be changing.

Gina Cleri, 5 Seminole Street, Warwick, was present in favor.

She stated that the proposal is a good improvement for the property and great for the street.

Mr. Corley stated that the neighbor is in support and the proposal is consistent with other dwellings in the area. 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 this petition be GRANTED.

Petition #10136

Ward 9

8 Alger Avenue

The petition of Kevin & Norma, Moran, 8 Alger Avenue, Warwick, RI, for a request for a dimensional variance to construct a second floor addition on existing dwelling, existing dwelling and proposed addition having less than required front yard and coastal feature setback, subject

property being an undersized non-conforming lot, southerly side of Alger Avenue (8), Warwick, RI, zoned Residential A-15.

Oleg Nikolyszyn, Esq., representing the petitioner, was present.

He stated that the petitioner Kevin Moran and his mother own the dwelling. The mother is 86 years old and lives in the dwelling. They have lived there for over 20 years. The petitioner is planning on moving back to the property to take care of his mother and needs room for his wife and children. The proposal is for a second floor addition. The footprint would not be changing. The petitioner put a small second floor addition over a portion of the dwelling a few years back and would like to continue the addition for the entire length of the dwelling.

Elizabeth Clarke, 9 Alger Avenue, was present in objection.

She stated that she lost 50% of her waterview with the last addition and would lose all of her waterview with this addition. The street is a narrow street and she is concerned that the street will be blocked off during construction.

Mr. Corley stated that for the petitioner to raise the roof line he understands the loss of the waterview. From a legal standpoint you do not own a waterview. It can be taken away. He stated that a stipulation that during construction it is the responsibility of the petitioner to be sure the road is clear of debris. With that statement he made a motion to approve the petition. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that this petition be GRANTED with stipulations.

Petition #10137

Ward 6

3 Wade Street

The petition of Mark Abrantes, 95 Lonsdale Street, West Warwick, RI, for a request for a dimensional variance to demolish existing dwelling and construct a new 26' x 44' single-family dwelling with an attached 10' x 22' deck on undersized non-conforming lot, proposed dwelling and deck having less than required front street, side street and side yard setback, southwesterly corner of Wade Street (3) and Suburban Parkway, Warwick, RI, Assessor's Plat 376, Lot 416, zoned Residential A-7.

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

Mark Abrantes, 95 Lonsdale Street, West Warwick, RI, petitioner, was present.

He stated that he agrees with the stipulations presented.

John Tomassini, 7 Wade Street, Was present in objection.

He stated that the petitioner destroyed the house on purpose so that he could build bigger. That the proposed house would block his air quality for his property. The owner has put illegal additions on the dwelling over the years.

Jeffrey Wilding, 84 Suburban Parkway, was present in objection.

He stated that the house would not fit in with the area. The lot is undersized he thought the existing house was being renovated. It is too high and too large for the lot.

Paul Wyrostek stated that the proposed house is within the height allowed it is 26' high and 35' is allowed.

Mr. Corley stated that s brand new house would increase the value of the houses in the area and he does not understand the opposition. The objector's house is a street away and there is a street between the properties. It does not affect his location to the water. The petitioner agreed with the all of the stipulations. 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 this petition be GRANTED with stipulations.

Petition #10138

Ward 7

84 Abbott Avenue

The petition of the Holden Trust, 863 Hope Street, Providence, RI, for a request for a dimensional variance to demolish existing garage and construct a new 26' x 30' dwelling with an attached 10' x 10' deck, subject property being an undersized non-conforming lot, easterly side of Abbott Avenue, Warwick, RI, Assessor's Plat 367, Lot 254, zoned Residential A-7.

Richard Johnston, Esq., representing the petitioner, was present.
Richard Kohn, 863 Hope Street, petitioner, was also present.

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

The attorney for the petitioner stated that he agrees with all of the stipulations. The subject property is an undersized non-conforming lot and the proposed dwelling meets all of the setbacks. He requested that the stipulations state substantial compliance to the plans submitted.

Mr. Corley stated that the subject property is a pre-existing non-conforming lot. That a new house on the lot would improve the neighborhood and the petitioner agreed with all of the stipulations. He also stated that he sees no harm in substantial compliance as long as the house stays within the required setbacks. With that statement he made a motion to approve the petition. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that this petition be GRANTED with stipulations.

Petition #10139

Ward 2

72 Norwood Avenue

The petition of Jennifer Ahearn, 1 Joyce Glen Street, Warwick, RI, for a request for a dimensional variance to demolish existing dwelling and construct a new 26' x 32' dwelling with an attached 8' x 12' deck, subject property being an undersized non-conforming lot, easterly side of Norwood Avenue (72), Warwick, RI, Assessor's Plat 286, Lot 67, zoned Residential A-7.

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

John Shekarchi, Esq., representing the petitioner, was present.

He stated that he does not agree with the Planning Department. The lots are not merged. The City sold the lots at auction and they never have been merged in accordance with 45-24-38.

He went on to further argue the issue of non-merger with the Board and the Mr. Crenca.

Edward Pimentel, Planning Land Use expert, was present. He also argued the issue of non-merger.

After much discussion Mr. Corley made a motion that the petitioner be continued one month to look further into ownership records and look into the redemption of the lots. The motion was seconded by Everett O'Donnell and passed by a four (4) to one (1) vote (Donald Morash voted no) to CONTINUE the case until the next hearing July 22, 2014.

Petition #10140

Ward 1

18 Gaspee Point Drive

The petition of H. Thomas Patrick, 2275 Warwick Avenue, Warwick, RI for a request for a dimensional variance to demolish existing dwelling and construct a new dwelling (approx. 32' x 45') with attached garage, proposed dwelling and garage front yard, side yard and coastal feature setbacks, subject property being an undersized non-conforming lot, easterly side of Gaspee Point Drive (18), Warwick, RI, Assessor's plat 304, lot 144, zoned Residential A-15.

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

Carl Sauerbrey, Architect, was present.

Dina Kist, Esq., 6005 Blackriver Road, Greene, RI, was also present.

The attorney for the petitioner stated that her client is willing to move the house per the request of the abutting owner, Manuel & Judith Rose. She stated that the house would be moved from 6.3' to 5'.

The architect amended the plan to reflect the new setbacks.

Manuel Rose and Judith Rose, 27 Gaspee Point Drive stated that they were fine with the changes to the plan.

Mr. Corley stated that he has been in the area and the homes are older homes. To demolish an older home and construct a new home would be an improvement to the area. 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 with the revisions presented.

Donald Morash recused from voting on the following petition. Richard Corley became Chair and Julie Finn was the voting member.

Petition #10141

Ward 3

659 Sandy Lane

The petition of Serafino & Carolyn Genuario, 159 Hanover Street, Warwick, RI, for a request for a use variance and dimensional variance to convert existing building from photography studio and apartment to Holostic Health Center (Yoga, Massage/medical service) and professional office, subject property having less than required setbacks for parking, less than required width of driveways, less than required aisle width, proposed sign being larger than allowed, northeasterly corner of Sandy Lane (659) and Crane Street, Warwick, RI, Assessor's Plat 340, Lot 432, zoned Residential A-7.

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

K. Joseph Shekarchi, Esq., representing the petitioner was present.

The attorney stated that the current owner occupied the property as a photography studio and was approved by the Board in 1991 (Petitioner's Exhibit #1). The property is under a purchase and sales agreement subject to the proposed buyer being able to occupy the building for a yoga and psychotherapy business. There will be no changes to the building and there is ample parking for the employees and customers. It is a low impact business.

Kristen Accrair, proposed purchaser, was also present.

She stated that the therapy is one on one and that they do not run group sessions. Currently there is only one therapist and there are other treatment rooms if the business grows. There will be no outdoor activity and no one living there full time.

Mr. Shekarchi stated that the structure is not taxed part residential and part commercial and that will change once the entire building is occupied by the proposed purchaser. The proposed sign would remain it would advertise the proposed business with the street number but remain the same size and at the same setback. His client agrees to tie into the sewers.

Everett O'Donnell stated that the petitioner agreed to all of the stipulations, agreed to the tie into the sewers and is not changing the footprint of the building and there were no objector's. With

that statement he made a motion to approve the petition. The motion was seconded by Attilio Iacobucci and passed unanimously by the Board that this petition be GRANTED with stipulations.

Mr. Morash returned as the Chairman.

Petition #10142

Ward 3

2677 West Shore Road

The petition of Bay Shore LLC, 60 Quaker Lane, Ste. 61, Warwick, RI, for a request for a dimensional variance to relocate existing menu board and drive-thru lane for existing Dunkin Donuts operation with less than required front yard setback, less than required landscape buffer, said Dunkin Donuts previously approved by the Zoning Board of Review January 1, 1998 (Petition #7895), northerly side of West Shore Road, Warwick, RI, Assessor's Plat 348, Lots 718, 720, 722, 723, 724 & 725, zoned General Business.

K. Joseph Shekarchi, Esq., representing the petitioner, was present.

He stated that his client owns the Dunkin Donuts located on the subject property and proposes to change the location of the menu board to allow for additional vehicle space in the drive thru. It would afford better site distances increasing the capacity of the drive thru.

There was no one in favor or objection to the application.

Mr. Corley stated that Dunkin Donuts is trying to make the drive thru safer with better traffic flow. He feels as though Rhode Island is the most popular state for Dunkin Donuts to do business. 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 this petition be GRANTED.

Petition #10143

Ward 6

2477 West Shore Rd.

The petition of Veracruz Shabo LLC, 2477 West Shore Road, Warwick, RI, for a request for a dimensional variance and special use permit to convert existing auto service building to a car wash, to construct a 16.5' x 38' addition to the rear of the building, to construct a 6' x 40' addition to the left side of the building and a 12' x 16.5' addition to the front of the building with less than required side yard setback, existing building having less than required side yard and side street setback, subject property having less than required off street parking, less than required landscaping and less than required landscape buffer, northerly side of West Shore Road (2477), Warwick, RI, Assessor's Plat 349, Lot 465, zoned Office.

Michael Favicchio, Esq., 117 Metro Center Blvd., Warwick, was present representing the petitioner.

Milad Shabo, petitioner. 1325 Broad Street, Central Falls, was present.

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

The petitioner stated that he had to change his plans from what has been approved in January. There were issues with the Sewer Authority for drainage for the car wash. He described his new plan to the Board. He stated that he spoke with the abutting owner most directly affected and they did not have a problem with the proposed addition. He stated that he knew he was wrong for changing the plan and should not have changed it without seeking an OK from the Board and the Building Official. He presented a letter from the neighbor that was marked as Petitioner's Exhibit #1. He stated that he could try to locate the proposed tanks in the basement of the building or somewhere else on the property.

Mr. Corley stated that the plan should be approved with the exception of the 6' x 40' addition to the west side of the building. With that statement he made a motion to approve the petition with the stipulation that the 6' x 40' addition left side/west side of the building be eliminated. The motion was seconded by Everett O'Donnell and passed unanimously by the Board that this petition be GRANTED with stipulations.

Petition #10144

Ward 1

954 Warwick Avenue

The petition of 954 Warwick Avenue Associates, 1704 Broad Street, Cranston, RI, for a request for a use variance and dimensional variance to demolish existing building and construct a new 3,000 square foot office building (law office/real estate office), subject property having less than required landscape buffer and screening, driveway width larger than allowed, proposed sign being larger than allowed and existing garage to remain having less than required side yard setback, southeasterly corner of Warwick Avenue (954) and Columbia Avenue, Warwick, RI, Assessor's Plat 301, Lot 294, zoned Residential A-7.

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

K. Joseph Shekarchi, Esq., representing the petitioner was present.

Peter Wolohoojian, petitioner, was present.

He stated that he has no objection to the stipulations presented. He requested that substantial compliance to the plans be part of the approval if the Board sees fit. The request is due to the landscaping.

Mr. Corley stated that the petitioner agreed to all of the stipulations presented by the Planning Department. That substantial compliance would be part of the approval. The proposal would be a substantial improvement to the subject property and the surrounding area. 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 this petition be GRANTED with stipulations.

Petition #10145

Ward 7

2789 Post Road

The petition of Kenneth Rudman, 2789 Post Road, Warwick, RI, for a request for a dimensional variance to construct a 320 square foot addition to the front of the existing building occupied as a dental office, proposed addition having less than required side yard setbacks, existing parking area legal non-conforming, subject property non-conforming to frontage and width requirements, westerly side of Post Road (2789), Warwick, RI, Assessor's Plat 267, lot 384, zoned Office.

Raymond Vanorstand, Esq., representing the petitioner was present.
Dr. Kenneth Rudman, petitioner, was also present.

They are requesting approval for a small addition to the front of the existing office for additional waiting room area and office space for patient records and files. The proposed addition would also enable to the petitioner to make the handicap access for his patients better and easier to access.

Mr. Corley stated that the proposed addition is necessary to enable the petitioner to extend the ramp and office/waiting area. 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.

The Chairman adjourned the hearing at 9:45 P.M.

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

Donald G. Morash, Jr., Chairman