

DONALD G. MORASH, JR.
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CHAIRMAN
MAYOR



CITY OF WARWICK
ZONING BOARD OF REVIEW
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE JANUARY 10, 2017 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, February 14, 2017 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
Julie Finn
Paul Wrostek
Fred Sarno
Mark McKenney

Absent: Everett O'Donnell
Beverly Sturdahl

Also present: Diana Pearson, Asst. City Solicitor
Joseph Solomon, Jr. Esq.
Richard Crenca, Warwick Planning Department
Amy Cota, Secretary
Mary Ellen Hall, Stenographer

The Chairman declared a quorum.

The Chairman advised the minutes from the November 15, 2016 & January 10, 2017 hearing will be reviewed and approved at the next meeting.

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

The Chairman advised that petition #10420 of Sports Legend Pub, Ltd., 2121 West Shore Rd., Warwick, RI, and Umbriago Properties, LLC, 70 Summit Dr., Cranston, RI, was being continued. Mark McKenney moved to continue the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be continued.

The Chairman also advised that Petition #10425 of Colbea Enterprises, LLC, 708 Greenwich Ave., Warwick, RI, was being continued to the March, 2017 meeting. Fred Sarno made a motion to continue the petition, seconded by Mark McKenney and passed unanimously by the Board that the petition be continued.

The Chairman called the first petition.

Petition #10427

Ward 3

207 Betsey Williams Dr.

The petition of Kenneth & Audrey Kampper, 207 Betsey Williams Dr., Warwick, RI, request for a dimensional variance to remove existing garage, den and deck and construct a new addition for a bedroom, family room and a three season room. Proposed addition having less than required side yard setback. Assessor's Plat 328, Lot 299, zoned Residential A-7.

Kenneth P. & Audrey E. Kampper, 207 Betsey Williams Dr., Warwick, RI, were sworn in by the Chairman.

The Chairman asked the petitioners to give a synopsis of what they plan to do. The petitioners stated they are requesting a variance to remove the sunroom and garage and construct a new master bedroom, family room and three season room.

The Chairman stated the relief they are looking for is not much more than what is existing now. He asked the petitioners if they have talked to their neighbors. The petitioner stated they have talked to them, and they are fine with it. She stated they have very good neighbors.

The Chairman asked if anyone had any questions, and if there was anyone there to speak in opposition or in favor of the petition. There being none, Mark McKenney moved to approve the petition. He stated there is a small difference between the existing and proposed setback, seconded by Paul Wyrostek, and passed unanimously by the Board that the petition be GRANTED.

Petition #10428

Ward 9

480 Ives Rd.

The petition of Felicia P. Revens, 5757 Post Rd., East Greenwich, RI, request a dimensional variance to demolish existing single family dwelling and construct a new 2,160 sq. ft. single family dwelling with an attached 12' x 24' garage. Subject property being an existing undersized non-conforming lot, containing less than required lot area, less than

required front yard and front corner/street setback. Assessor's Plat 205, Lot 13, zoned Residential A-15.

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

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

Felicia Revens, petitioner, 171 Charlotte Dr., Warwick, RI, was present and sworn in by the Chairman.

Mr. Revens stated the property currently contains a single family dwelling. His client is proposing to demolish the existing structure and construct a new single family dwelling on the property. The intent is to use a portion of the existing foundation, assuming when they take the house down, it is in appropriate condition to put a portion of the new structure on. The new dwelling will be 2,160 square feet with an attached 12' x 24' two car garage with access to Tahena Drive. The proposal is to relocate the driveway on Tahena Drive farther to the East to line it up with the new garage.

Mr. Revens states the petitioners are seeking a dimensional variance for less than required front and front/corner setback for the proposed dwelling. The proposed dwelling would be setback 53.72 feet to the pavement on Ives Road pavement is, whereas the setback to the property line is 21.31 feet. The petitioners are seeking 9 feet of relief to Ives Road. Mr. Revens states the side setback requirement is normally 20 feet, but because the property is on a corner lot, the Zoning Ordinance requires 10 additional feet. The petitioner is proposing a side/front corner setback of 11.56 feet, seeking approximately 18.5 feet of relief to Tahena Drive.

Mr. Revens states the driveway access from Ives Road would be eliminated if this plan were approved, so the only driveway entrance would be from Tahena Drive, which would improve the quality and the safety of the access to the premises, since Ives Road is considerably more traveled than Tahena Drive.

The Chairman stated there was an inquiry sent in from a neighbor of the subject property. He asked the petitioner if she had met with the neighbors to show them the plans. Ms. Revens stated the neighbors were in Florida, but they spoke and they showed nothing but excitement to her when they spoke. They discussed a cherry tree on the property.

Fred Sarno stated he read the letter from the neighbors, and doesn't believe it has any bearing on the petition.

The Chairman stated the letter also mentioned various shrubs or plants between the neighbors property and the petitioners property. The Chairman asked the petitioner if she had any plans for a fence between the properties. Ms. Revens stated there are two trees

she would like to save, but she is happy to trim what is encroaching on her neighbor's property, or would put up a fence.

Mr. Sarno suggested the petitioner and her neighbor work out the plantings rather than have the City dictate what needs to be planted.

Mr. Sarno asked Attorney John Revens, Jr. if he or his client had any problems with the Planning Department stipulations. Mr. Revens stated they have no problem with the stipulations.

Mr. Sarno stated with all due respect, it seems to be somewhat redundant when we talk about a qualified Engineer for storm water runoff. As he understands it, an ISDS approval stamped by an Engineer, is not sent through our Engineering Department for approval but yet we maintain that owner's employ their own Civil Engineer to do storm water management. Mr. Sarno stated again it is redundant for them to hire an Engineer for storm water runoff, and then have our Engineer approve what a licensed professional engineer has already stamped and approved.

Mr. Revens stated they have no objection to the stipulations.

Richard Crenca stated the issue Mr. Sarno brought up about the trees, if they neighbor and the owner can agree on a type of tree for that stipulation, the City doesn't have one in mind. The petitioner stated the neighbor wants her to trim a tree, not add a new tree.

Mr. Sarno stated he was referring to the stipulation that says for every 50 feet of frontage a new tree has to be planted, and they can work out the type of tree they want, together as neighbors.

Richard Crenca stated they just want to be sure that the location the new tree will be planted, will not block visibility. Mr. Revens stated they will get the City's approval and accommodate the neighbor.

The Chairman asked if there was anyone there to speak in opposition or in favor of the petition. There being none, Paul Wrostock made a motion to approve the petition, seconded by Fred Sarno, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petitions #10429/30/31

Ward 5

Warwick Neck Ave.

The petition of KND Development, LLC, 946 Centerville Rd., Warwick, RI, request a dimensional variance to construct a 28' x 34' single family dwelling with a 6' x 20' covered front porch and a 12' x 8' deck. Subject property being an undersized non-conforming lot, containing less than required lot area, frontage and width. Assessor's Plat 357, **Lots 430, 432 & 435**, zoned (GB) General Business.

Due to the three (3) lots being the same dimensions, as well as the proposed dwellings being the same dimensions, the following petitions were heard together by the Board. Petition #10429; Petition 10430; Petition 10431.

Richard Crenca, Warwick Planning Department, stated the same comments were made for all three (3) petitions, and read his recommendations into the record.

John C. Revens, Jr., Esq. was present and representing the petitioner. Mr. Revens stated the subject lots are zoned General Business (GB) and there are at least forty uses allowed in the General Business zone. For the record, he listed a few uses that would be allowed without getting approval from the Zoning Board of Review.

Mr. Revens states the plan before the Board is to construct a single family home on each of these three (3) lots. He states there are sewers available and each of the lots are large enough where the dwellings will meet all required setbacks of an A-7 zoning district.

Mr. Revens stated approximately fifteen years ago these properties were subject to a zoning hearing for condominiums, he believes for ten units. He stated this site was looked at again for condo units, but the decision was made to go forward with three single family dwellings. He states they believe this was the best use of the property considering most of the neighborhood consists of single family houses on lots of varying sizes, anywhere from 13,000 sq. ft. down to 4,000 sq. ft.

The Chairman asked Mr. Revens why the merger ordinance wouldn't take effect. Mr. Revens stated that these lots are General Business (GB) and he stated mostly the merger ordinance has been in residential zones.

Richard Crenca stated the merger clause deals with recorded lots, many people thinks its Assessor's lots. He states he went back and checked the original plat. It was platted in 1910 as the Barton Homestead Plat, and these particular lots were platted as you see them now at 50' x 125'. So they existed in the present form prior to our Zoning Ordinance even existing.

The Chairman asked if there was any comments or questions. He asked if there was anyone there to speak in opposition of this petition.

James Martin, 318 Warwick Neck Ave., Warwick, RI, was present and sworn in by the Chairman.

The Chairman asked Mr. Martin what his concerns were. Mr. Martin stated they were three (3) undersized lots, with only 50 feet of frontage on them. He believes constructing three houses on them will be overcrowded, and that it will stump property values. He states this isn't a hardship case, he says the same person owns all three lots, and they could combine the lots and divide into two conforming lots.

The Chairman stated he questioned that earlier, and he felt it was explained.

Mr. Martin stated if you look at the properties in Oakland Beach and Conimicut where you have small properties where people can't build a bigger house, those property values have been stunted for decades. Mr. Martin believes if they construct three houses that close together, they will stunt the property values.

The Chairman stated the dwellings do conform to setbacks.

Mr. Martin asked if the required side yard setback was 25 feet.

Richard Crenca stated when you put a single family home in a General Business zone, you have to apply the Residential A-7 setbacks.

Mr. Martin stated he believes it will be to overcrowded.

The Chairman told Mr. Martin he appreciated his comments.

The Chairman asked if there was anyone else to speak in opposition or in favor of these petitions.

Fred Sarno reiterated each lot was 6,250 sq. ft. only 750 sq. ft. shy of conforming lot and they meet all the requirements for a residential A-7 zone.

Julie Finn asked if there were any other 50 foot wide lots on Warwick Neck Avenue. Mr. Revens stated all the lots behind these lots are 50 feet wide on State Street. Ms. Finn asked if there were any on Warwick Neck Avenue. Mr. Revens made note to lot 440 a 5,200 sq. ft. lot, and also another lot on Cross Street/Warwick Neck Avenue is a 6,250 sq. ft. lot with a house on it.

Mr. Revens stated the the City Council could authorize a multi-family use on these lots because it is zoned General Business (GB), and you could probably get five (5) units on them.

Julie Finn asked if it is possible for someone to buy one of the houses in ten years, and want to convert it to a business use, because it will still be zoned General Business.

Fred Sarno stated this is the least intense use of the properties. Mr. Sarno said that going from a dwelling to a business would be a change in use, which would require at minimum approval from the Building Department.

Mr. Revens noted that any business use would have to provide parking, and the setback requirements would change.

Richard Crenca stated that one of the stipulations of these zoning approvals, is that any change or expansion to the approved use has to come back before the Zoning Board of Review.

After further discussion, Fred Sarno made a motion to approve all three petitions with the stipulations, seconded by Mark McKenney, and passed unanimously by the Board that Petition #10429, Petition #10430 and Petition #10431 be GRANTED WITH STIPULATIONS.

Petition #10432

Ward 8

25 Pace Blvd.

The petition of Dane Ridenour, 1000 Civic Circle, Lewisville, TX 75067, Kalikow Yaphank Dev. Corp., 7001 Brush Hollow Rd., Suite 200, Westbury, New York 11590 & At Home Stores, LLC, 1600 Plano Pkwy, Plano, TX 75074, request a dimensional variance to remove existing vestibule and canopy and construct a new entryway. Proposed entryway being higher in height than allowed. Assessor's Plat 254, Lot 3, zoned General Business (GB).

K. Joseph Shekarchi, Esq., was present and representing the petitioner & owner.

Mr. Shekarchi states the subject property is the old Sam's Club which was rebuilt. Unfortunately Walmart made the decision after about a year and a half of the new Sam's Club that is wasn't meeting sales expectations and they decided to close. What we have here is a new business coming into the City of Warwick, and they will use the existing footprint, the only real change is a higher sign/building façade.

Mr. Shekarchi stated he has the Architect there to answer any questions, and he will be happy to answer as well.

Fred Sarno asked what At Home does. Mr. Shekarchi stated it was a furniture/retail store.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Fred Sarno made a motion to approve the petition, seconded by Mark McKenney and approved unanimously by the Board that the petition be GRANTED.

A motion was made by Julie Finn, seconded by Fred Sarno and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 6:56 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE IS-LAND

Donald G. Morash, Jr., Chairman