

WARWICK ZONING BOARD OF REVIEW  
MINUTES OF THE FEBRUARY 11, 2014 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, February 11, 2014 at 6:00 P.M. at Warwick City Hall, in the Lower Level Conference Room, 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  
Everett O'Donnell  
Attilio Iacobucci  
Beverly Sturdahl

Alternates: Julie Finn  
Paul Wyrostek

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

The Chairman declared a quorum. The Chair stated to let the record show that Mr. Wyrostek would be voting in place of Mr. Corley who was not present at the time the meeting started.

The Chairman asked if there were any petitions to be withdrawn or continued. The Chairman announced the following petitions would be continued to the next available meeting.

Petition #10067

Ward 6

2077 West Shore Rd.

The petition of David Marfeo, 8418 Regal Way, Palmetto, FL and Debra Vita, 44 Wharf Road, Warwick, RI, for a request for a special use permit and dimensional variance to have a nightclub with less than required off-street parking, said parking area having less

than required setbacks, aisle width and landscaping, northeasterly corner of West Shore Road (2077) and Oakland Beach Avenue, Warwick, RI, Assessor's Plat 352, Lot 56, zoned General Business.

Petition #10104

Ward 8

790 Bald Hill Road

The petition of 790 Bald Hill Road, LLC, 790 Bald Hill Road, Warwick, RI, and Hearthside Fireplace & Patio, 790 Bald Hill Road, Warwick, RI, for a request for a dimensional variance/use variance/special use permit to have outdoor sales and display on subject property for existing business with less than required front yard and rear yard setbacks, subject property having less than required off street parking, legalize existing storage bins, said storage bins having less than required setback from abutting residential zone and side property line, to have a 2' x 4' LED sign with less than required front yard setback, easterly side of Bald Hill Road (790), Warwick, RI, Assessor's Plat 262, Lot 212, zoned General Business.

Petition #10107

Ward 7

20 Noyes St.

The petition of 20 Noyes Street, LLC, c/o Deaver's Tax 3920 Via Del Rey, Ste. 3, Bonita Springs, FL, for a request for a dimensional variance to construct two single story additions and a porch on existing dwelling, existing dwelling having less than required front and side yard setback, subject property being an undersized non-conforming lot, proposed additions and porch having less than required front yard and side yard setbacks, southerly side of Noyes Street (20), Warwick, RI, Assessor's Plat 363, Lot 28, zoned Residential A-7.

The Chairman entertained a motion, a motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the petitions be CONTINUED to a later date.

Petition #10096

Ward 5

51 Harris Avenue

The petition of Christopher Levasseur, 51 Harris Avenue, Warwick, RI, for a request for a dimensional variance to legalize location of garage/shed accessory structure (portion of structure to be removed), accessory structure having less than required front yard and side yard setbacks, northerly side of Harris Avenue (51), Warwick, RI, Assessor's Plat 358, Lot 181, zoned Residential A-10.

Christopher Levasseur, petitioner, was present.

He stated that there is an existing structure on the property that was formerly the dwelling. There was a stipulation placed on the prior approval that the structure must be removed. They are proposing to reconstruct the structure as a garage and make the structure slightly smaller.

Everett O' Donnell stated that the structure is in disrepair and needs to be replaced. 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 #10100

Ward 2

243 Negansett Ave.

The petition of Jaime Martins, 243 Negansett Avenue, Warwick, RI, for a request for a dimensional variance to legalize location of an already built 5.4 ½' x 13.9' bulkhead addition, said addition having less than required side yard setback, northerly side of Negansett Avenue (243), Warwick, RI, Assessor's Plat 294, Lot 203, zoned Residential A-7.

Jaime Martins and Mary Martins, petitioners, were present.

They stated that they put a door on their bulkhead to access their basement. They did not obtain a permit. They spoke to the neighbor on that side of their property. The neighbor was not home to obtain a signature.

The Chairman stated that they should obtain a letter from the neighbor and have it submitted to the Zoning Office.

Everett O'Donnell stated that there was no one present in objection and the door is already there. He stated that he would stipulate that a letter be brought into the office and made a motion to approve the petition. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that this petition be GRANTED with the stipulation regarding the letter.

Petition #10101

Ward 5

21 Mitchell Court

The petition of Jonathan Thornley, 21 Mitchell Court, Warwick, RI, for a request for a dimensional variance to construct a 17' x 21' addition to the existing dwelling, proposed addition having less than required front yard and side yard setbacks, northerly side of Mitchell Court (21), Warwick, RI, Assessor's Plat 358, Lots 30 & 31, zoned Residential A-10.

Jonathan Thornley, petitioner, was present.

He stated that his home was flooded and he lost his furnace and all of the mechanical for the house. He would like to construct the addition to bring the mechanicals from the basement to the first level of the dwelling. The remained on the addition would be for an office and larger master bedroom. The addition would not be an apartment. The addition would be a two story addition.

Everett O'Donnell stated that he understands the need for the mechanicals to be located on the first floor. He stated that there was no one present in objection. 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.

Mr. Corley became the voting member and Mr. Wyrostek became alternate.

Petition #10102

Ward 4

26 Doris Avenue

The petition of William Ruggieri, 1 Country Club Drive, Warwick, RI, for a request for a dimensional variance to legalize setback of existing dwelling, said dwelling having less than required side yard setback, southerly side of Doris Avenue (26), Warwick, RI, Assessor's Plat 319, Lot 240, zoned Residential A-7. (Subject property part of previously approved subdivision involving subject property, stipulated per approval part of dwelling to be removed - requesting dimensional variance for portion of dwelling to remain.)

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

William Ruggieri, petitioner, was present.

He was addressing the comments made by Mr. Crenca.

He stated that he was not aware that the City was making him take off part of the dwelling. He stated that sewers were not available and that if he had known he would have addressed it.

Robert Corsi, 3 Doris Avenue, was present.

He stated that Mr. Ruggieri does not care the setback was already non-conforming. He also stated that the nursery would not sell him any property.

Mr. Ruggieri stated that he is not sure if he can even buy any of the abutting property.

Brian Carreiro, proposed purchaser of subject dwelling was present.

He stated that he is looking to buy the property. He questioned what the issue was.

It was explained to him by the Board and Mr. Crenca that there was a stipulation placed on the subdivision that the non-conforming portion of the dwelling should have been removed.

Mr. Corley stated that having read the decision he can understand the confusion. That the petitioner may have relief on his lawyer to do it correctly and suggested that the petition

be continued for 60 days so the petitioner can consult with a lawyer and the Planning Department.

The petitioner agreed.

A motion was made by Mr. Corley, seconded by Mr. O'Donnell and passed unanimously by the Board that this petition be CONTINUED for sixty (60) days.

Petition #10106

Ward 5

65 Ewing Court

The petition of Nancy Martin, 65 Ewing Court, Warwick, RI, for a request for a dimensional variance to construct a garage addition (approx. 14.4' x 24') with less than required side yard setback, westerly side of Ewing Court (65), Warwick, RI, Assessor's Plat 339, Lot 426, zoned Residential A-10.

Nancy Martin & Kevin Martin, petitioners, were present.

They stated that they are proposing to change their one car garage to a two car garage. They are seeking 2.4 foot relief from the side property line. Their garage directly abuts their neighbor's garage.

Mr. Corley stated that the closest structure is a garage and the addition does not infringe on the neighbors privacy. The neighbor is not present so it must not be a big deal it is only 2.4 feet. With that statement he made a motion to approve the petition. The motion was seconded by Paul Wyrostek and passed unanimously by the Board that his petition be GRANTED.

Petition #10105

Ward 5

Paine Street

The petition of Philip Steggall, 770 Locust Street, Apt. 1, Fall River, MA, for a request for a use variance/dimensional variance/special use permit to have a trailer home on subject property with less than required front yard setback (temporary during construction of new dwelling), southerly side of Paine Street, Assessor's Plat 377, Lot 155, zoned Residential A-7.

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

He stated that his client had been before the Board and was approved to build a house on the subject property. His client would like to place a trailer on the property to live in while the house is being constructed. He lives out of state and would like to be able to reside on the property to monitor the construction.

Phillip Steggall, 770 Locust Street, Fall River, MA, petitioner, was present.

He stated that the house would be constructed on a slab with piers and he would place the trailer under the house during construction. He will be the General Contractor for the construction. He described the plan to the Board and the type of trailer.

There were many neighbors present in opposition to the trailer.

James Marley and Antoinetta Marley, 241 & 247 Paine Street, directly across from the subject property, were present in objection.

They stated that they were never notified of today's hearing of the hearing for the construction of the dwelling. They stated that the street is narrow and it floods and are concerned of their property flooding.

Dennis Bove, 257 Paine Street, was present.

He stated he has not problem with the new house but was opposed to the trailer.

Mr. Shekarchi stated that his client would like to WITHDRAW his application.

Petition #10103

Ward 7

3086 Post Road

The petition of Ratha Ou, 278 Farmington Avenue, Cranston, RI, for a request for a use variance and dimensional variance to occupy existing building for a nail salon, existing building having less than required front yard, side street, and side yard setbacks, subject property being an undersized non-conforming lot, less than required parking and landscaping, less than required front and side setbacks for handicap ramp, less than required setbacks for parking, less than required aisle width for parking area, easterly side of Post Road (3086), Warwick, RI, Assessor's Plat 245, Lot 300, zoned Light Industrial (Historic).

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

Ratha Ou, 278 Farmington Avenue, Cranston, RI, petitioner, was present.

He stated to the Board that he proposes to have a nail salon on the property. He stated that there would be three people working.

Mr. Corley questioned the layout of the salon and the number of work stations and seats in the waiting area.

There was discussion between the Board and the petitioner regarding the operation of the salon.

John Revens, Jr., Esq., representing the abutting property owner was present.  
Andrew Quinn, 64 Island View Drive, abutting property owner, was present.

Mr. Revens stated that the request is a use variance and dimensional variance and the use is prohibited. The petitioner would not be denied all beneficial use. If the proposed use were called an other service establishment and would require a special use permit. The parking plan is inaccurate because they would have to excavate the wall to the rear of the property and be rebuilt. His client would not be willing to lease space on his property for parking.

Mr. Quinn stated that he owns the welding business on the abutting property and he owns the building where Mike's Automotive is located. He presented photo's of the subject property. Objector's Exhibit #1. (8 photo's). He stated that the property line is beyond the retaining wall. The wall would have to be moved to allow for the proposed parking. He stated that he tried to buy the property and the condition of purchasing the property would be that he would have to reside on the property. It was an addendum to the sale because the Federal Government is involved with the sale. It must be an owner occupant purchaser. He presented the HUD form as Objector's #2.

Robert DeGregorio, was accepted as an expert witness in the field of real estate (Motion was made by Attilio Iacobucci, seconded by Beverly Sturdahl and passed unanimously by the Board)

He explained his findings to the Board and read his report into the record.

The Chairman stated that there is no parking on Kent or Post Road and it is not an option.

Joseph Cincerny, 44 Elite Drive, Cranston, was present in objection.

He stated that he owns the hair salon building across the street and that he will not lease parking to the petitioner.

The Chairman stated that the parking is unreasonable and there is no landscaping.

Richard St. Martin, 16 Normandy Drive, was also present in objection.

He stated that he owns 3090 and 3096 Post Road. He stated that he does not want cars parking on his property and the parking in the entire area is tight.

Ratha Ou stated that he had no further comments.

Mr. Corley stated that he would make a motion to deny the petition. The property lacks adequate parking and landscaping. The proposed use is not permitted. The

petitioner is requesting a use variance and would not be denied all beneficial use of the property. The property may be very good developed for other purposes and possibly appreciate in value with the proposed changes to Apponaug. The motion to deny was seconded by Attilio Iacobucci and passed unanimously by the Board that this petition be DENIED.

The Chairman adjourned the hearing at 8:30 P.M.

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

Donald G. Morash, Jr., Chairman