

DONALD G. MORASH, JR.
SCOTT AVEDISIAN
CHAIRMAN
MAYOR



CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE JULY 11, 2017 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, July 11, 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
Mark McKenney, Vice-Chairman
Everett O'Donnell
Fred Sarno
Beverly Sturdahl
Julie Finn
Paul Wyrostek

Also present: Diana Pearson, Asst. 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 June 13, 2017 hearing. A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl 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The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.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 called the first petition.

Petition #10467

Ward 9

60 Spinnaker Lane

The petition of Allison DiComitis, 60 Spinnaker Lane, Warwick, RI, request a special use permit to have a day care facility for up to twelve (12) children at subject property. Subject property being a single family dwelling. Assessor's plat 237, Lot 388, zoned Residential A-10.

Allison DiComitis, 60 Spinnaker Lane, Warwick, RI, was sworn in by the Chairman.

The Chairman asked the petitioner if she was increasing the number of children in her home daycare. She stated she was approved through DCYF to increase the number of children from eight to twelve.

The Chairman stated there were two letters from the neighbors in favor of the petition, and one neighbor present at the meeting.

The Chairman asked if there would be an increase in traffic. Ms. DiComitis stated she has a two car garage and a four car driveway, and the drop-off's and pick-up's by the parent's are quick.

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

Philip Bouthillette, 67 Spinnaker Lane, Warwick, RI, a neighbor was present and in favor of the petition.

Mark McKenney made a motion to approve the petition, seconded by Fred Sarno and passed unanimously by the Board, that the petition be GRANTED.

Petition #10468

Ward 1

52 So. Fair St.

The petition of Carol Anne Buckley, 52 So. Fair St., Warwick, RI, request a dimensional variance to remove existing shed and construct a new storage shed. Proposed shed having less than required rear yard setback. Assessor' plat 292, Lot 428, zoned Residential A-7 (Historical).

Carol Anne Buckley, 52 So. Fair St., Warwick, RI, was sworn in by the Chairman.

Ms. Buckley stated the existing storage shed is rotted, and she would like to replace it with a new storage shed for her kayaks, bikes, etc. She would like to place it on the existing foundation.

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

There being none, Mark McKenney stated the new shed will be an improvement and based upon that, he moved to approve, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10464

Ward 9

43 Shadow Brook Dr.

The petition of Rafael Garcia Cano da Costa & Danielle Mubarak, and Angela Omicioli, 43 Shadow Brook Dr., Warwick, RI, request a dimensional variance to legalize the height of the fencing around the tennis court. Existing fence being higher than allowed. Assessor's Plat 224, Lot 23, zoned Residential A-40.

Angela Omicioli, 100 Westfield Dr., East Greenwich, RI, was sworn in by the Chairman.

Danielle Mubarak, 43 Shadow Brook Dr., Warwick, RI, was sworn in by the Chairman.

Rafael Garcia Cano da Costa, 43 Shadow Brook Dr., Warwick, RI, was sworn in by the Chairman.

Chris Omicioli, 100 Westfield Dr., East Greenwich, RI, was sworn in by the Chairman.

The Chairman stated they were before the Board for the ten foot fence around the tennis court as opposed to a six foot fence.

Ms. Omicioli stated the fence around the tennis court is regulation size.

The Chairman asked if she had spoken with the neighbors. Ms. Omicioli stated she didn't go door to door but she did speak with the neighbors they were friendly with. She stated they neighbor who was present objecting to the petition, they were not friendly with and had only spoken twice since they lived there.

Ms. Omicioli stated they researched and knew they didn't need a permit for the tennis court. She stated there are five other properties located within a couple miles of their property that have tennis courts with ten foot fencing.

Mr. Omicioli stated regulation for a tennis court is 120 x 60, and the suggested size for the fence is ten feet at the ends & corners, and then drops down to four feet on the sides.

The Chairman asked if there was anyone there in opposition of the petition.

Attorney David Revens was present representing David Miga of 29 Shadow Brook Dr., Warwick, RI.

Attorney Revens submitted a picture of the fencing around the tennis court, marked as Objector's Exhibit #1. He also submitted a letter from Mr. David Miga asking for restrictions on the tennis court.

Petitioner, Danielle Mubarak, stated she wasn't aware the neighbor was opposing this, and had just received a copy of the neighbor's requests. She stated she believed she was here to discuss the height of the fence, and it is a surprise to her that she would have to commit to what time she can use the tennis court.

Everett O'Donnell stated he agrees with the petitioner regarding the time restrictions the neighbor is requesting, and doesn't agree with the remaining requests.

Fred Sarno asked the petitioners what the distance was to the abutting neighbor. Ms. Omicioli stated it was sixteen feet to the property line. Mr. Sarno asked about the lighting on the tennis court. Ms. Mubarak stated the only lighting they have are on the trees. Mr. Sarno stated the lighting should be directed away from the neighbor's properties.

Mark McKenney suggested with all due respect to the neighbor is objecting to, The Board is here to see if a ten foot fence is appropriate.

Everett O'Donnell asked the petitioners if they will be running a business, giving lessons. Ms. Mubarak stated no, they will not be running a business.

After further discussion, Fred Sarno made a motion to approve, seconded by Mark McKenney, and passed unanimously by the Board that the petition be GRANTED.

Petition #10453

Ward 9

36 Oberlin Dr.

The petition of Mary Gamelin, 36 Oberlin Dr., Warwick, RI, and SMD Realty & Construction, 2570 Warwick Ave., Warwick, RI, request a dimensional variance to convert existing storage area over the existing garage to a master bedroom. Subject property being an existing non-conforming lot with proposed master bedroom having less than required side yard setback. Assessor's plat 238, Lot 35, zoned Residential A-10.

Steven Davis, SMD Construction, 99 Blackstone Ave., Warwick, RI, was sworn in by the Chairman.

Joseph Brennan, Esq. was present representing the petitioner, Mary Gamelin. Attorney Brennan stated they appeared before the Board two months ago. They had previously received an approval for storage over the garage, and want to convert it to a bedroom. Work had been completed without the proper permits, and at the time they came before the Board, there was question as to whether the work was done properly. Since then Steven Davis has had an Electrical, Plumbing & Mechanical professional, and an Engineer all go through and provide letters to the Building Department. He has been working closely with the Building Official and has pulled all the required permits.

The Chairman asked if anyone spoke with the neighbors. Steven Davis stated they spoke with two neighbors who didn't seem to have a problem.

Alfred DeCorte, Building Official, was sworn in by the Chairman.

Mr. DeCorte stated there are a few building code questions that need to be addressed.

Everett O'Donnell Mr. DeCorte if he was satisfied with the letters he received.

Mr. DeCorte stated they did apply for permits, but there are some electrical and fire code issues that need to be addressed, but that is the Building Code, not Zoning.

The Chairman stated we are here for an approval or disapproval to use the space as a bedroom.

Everett O'Donnell stated the owner has gone through the process, and the hardship on her is overwhelming, with her husband passing away recently.

Fred Sarno stated because of the unique characteristics of what has happened, the Board wants the Building official to be comfortable with the process. Mr. Sarno asked the Building Official if he is comfortable with the process to move forward. Mr. DeCorte stated documentation has been submitted, but there is still clarifications needed to be addressed so we can make sure the building is safe.

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 Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

A motion was made by Everett O'Donnell to adjourn the meeting, seconded by Fred Sarno and passed unanimously by the Board that he meeting be adjourned at 6:40 P.M.

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

Donald G. Morash, Jr., Chairman