

WARREN ZONING BOARD OF REVIEW
September 17, 2014
Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:01 pm by Chairman A. Harrington. Also present Vice Chairman S. Calenda, P. Attemann, M. Smiley, A. Ellis, 1st Alternate M. Emmencker and 2nd Alternate W. Barrett Holby, Jr.

Approval of Minutes – August 20, 2014 meeting. It was moved by S. Calenda to accept the minutes. Second by P. Attemann. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley and A. Ellis.

New Business:

Application #14-25, Karen Fisher, owner and Ellen Ruggieri, applicant, 326 Market St., Plat Map 23, Lot 24, request for a Special Use Permit from section 32-166 of the Warren Zoning Ordinance to use the existing building as a hair and beauty salon.

Ellen Ruggieri, 47 Maple Ave, Barrington, RI, gave testimony that she would be moving her business from Barrington to Warren. She would be installing a sink and this would be a full service salon. Hours of operation would be Tuesday – Saturday 9:00am – 5:00pm and Thursday 9:00am – 8:00pm.

Public Comment – NONE

It was moved by Vice Chairman S. Calenda after hearing no public comments **to approve Application #14-25**, Karen Fisher, owner and Ellen Ruggieri, applicant, 326 Market St., Plat Map 23, Lot 24, request for a Special Use Permit from section 32-166 of the Warren Zoning Ordinance to use the existing building as a hair and beauty salon. The applicant wishing to move her business from Barrington to Warren, she has indicated and testified that she has ample parking, this will not create a hardship and is conducive to the neighborhood. Approval is conditional that the Department of Health comes out and inspects and gives their approval,

Building Official approval and any other required permits and licenses necessary. Seconded by M. Smiley. . Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-26, Roger's Family Trust, owner and Joan Rogers, applicant, 2 Touisset Rd., Plat Map 16, lot 259, request for a Variance from section 32-164 of the Warren Zoning Ordinance to install a new OWTS within 100' of a water body where 150' is required.

William Smith, President of Civil Engineers Concepts, 34A Main St, Little Compton, RI, gave testimony for Application #14-26, Roger's Family Trust, owner and Joan Rogers, applicant, 2 Touisset Rd., Plat Map 16, lot 259, request for a Variance from section 32-164 of the Warren Zoning Ordinance to install a new OWTS within 100' of a water body where 150' is required.

Public Comment – NONE

It was moved by P. Attemann to approve Application #14-26, Roger's Family Trust, owner and Joan Rogers, applicant, 2 Touisset Rd., Plat Map 16, lot 259, request for a Variance from section 32-164 of the Warren Zoning Ordinance to install a new OWTS within 100' of a water body where 150' is required. The applicant has obtained the Rhode Island DEM approval. The approval of the application shall be conditional on the approval from CRMC as well. Seconded by Vice Chairman S. Calenda.

Application #14-27, LJB Realty, LLC, owner and applicant, 176 Child St., Plat Map 9, Lot 21, request for a Variance from sections 32-47 and 32-60 of the Warren Zoning Ordinance to change the use of a mixed use building by turning one of the commercial units on the first floor back to residential, thereby having 2 residential units and 1 commercial unit.

William Delaney Esq, The Delaney Law Firm, LLC, 91 Friendship St, Suite 1, Providence, RI, gave testimony for Application #14-27, LJB Realty, LLC, owner and applicant, 176 Child St., Plat Map 9, Lot 21, request for a Variance from sections 32-47 and 32-60 of the Warren Zoning Ordinance to change the use of a mixed use building by turning one of the commercial units on the first floor back to residential, thereby having 2 residential units and 1 commercial unit. When purchased in 1985 the property was a mixed use. Recently there have been electrical and plumbing in the vacant unit.

Thomas Sweeney of Sweeney & Brockerage, Rodman Real Estate, Providence, RI, qualified as an expert witness and gave testimony.

It was moved by Vice Chairman S. Calenda to approve Application #14-27, LJB Realty, LLC, owner and applicant, 176 Child St., Plat Map 9, Lot 21, request for a Variance from sections 32-47 and 32-60 of the Warren Zoning Ordinance to change the use of a mixed use building by turning one of the commercial units on the first floor back to residential, thereby having 2 residential units and 1 commercial unit. He found a finding of fact the hardship is due to the unique characteristics of the building that was pre-existing prior to the ownership of the applicant. He also found a finding of fact that the hardship is not the result of any prior action of that the applicant participated in. He found a finding of fact that granting of this variance would not alter the general characteristics of the surround area, the request conforms with the purpose and intent of the Warren Zoning Ordinance and the Comprehensive Plan. He further found a finding of fact that the relief requested is the minimum relief necessary for the applicant to proceed forward. He moved that the motion be approved. Seconded by A. Ellis. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-28, Carol A Wales, LE and Brian M. Wales, owners and applicants, 17 Paquin St., plat map 8, lot 60, request for a Special Use Permit from section 32-47 of the Warren Zoning Ordinance to use the 2nd floor of an existing single family dwelling as an apartment.

M. Smiley recues and 1st Alternate M. Emmencker assumes the seat.

Robert J. Healey, Jr., Esq., Metacom Ave, Warren, RI gave testimony for Application #14-28, Carol A Wales, LE and Brian M. Wales, owners and applicants, 17 Paquin St., plat map 8, lot 60, request for a Special Use Permit from section 32-47 of the Warren Zoning Ordinance to use the 2nd floor of an existing single family dwelling as an apartment. Currently the 2nd floor is in demolition mode and uninhabitable. The 3rd floor or upper space will be used as storage not living space. Separate utilized will be brought in with a separate electrical meter.

Public Comment – NONE

It was moved by Vice Chairman S. Calenda to approve Application #14-28, Carol A Wales, LE and Brian M. Wales, owners and applicants, 17 Paquin St., plat map 8, lot 60, request for a Special Use Permit from section 32-47 of the Warren Zoning Ordinance to convert a 2nd floor of an existing single family dwelling into a separate residence. It meets the requirements dimensions of the code, it meets and exceeds the parking requirements of the code and they are not changing the dimensions. Finding of fact it will be conducive to the existing neighborhood, will not create any type of hardship, it meets the comprehensive plan and seeing no abjection from the public, he moved that they approve Application #14-28. Seconded by P. Attemann. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, A. Ellis and 1st Alternate M. Emmencker.

Administrative Matters: Coastal Wetlands Workshop at Roger Williams College

Adjourn: S. Calenda moved to adjourn the meeting at 7:35PM. Second by M. Emmencker. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Respectfully submitted,

Rhonda Lee Fortin