

SPECIAL WARREN ZONING BOARD OF REVIEW
February 5, 2015
Minutes

The Special meeting of the Warren Zoning Board was called to order at 7:00 pm by Chairman A. Harrington. Also present Vice Chair S. Calenda, P. Attemann, A. Ellis, 1st Alternate M. Emmenecker and 2nd Alternate W. Barrett Holby, Jr. (M. Smiley absent, M. Emmenecker is a seated voting member.)

Continued Applications:

Application #15-2, Joao & Natalia Pereira, owners and applicants, 16-18 Long Wharf Dr, Plat Map 6, Lot 127, request for a *Special Use Permit* from section 32-74 of the Warren Zoning Ordinance to construct a 2nd floor addition thereby expanding a legal non-conforming use.

Building Official Gareth Eames findings after inspection and walk through is there are two dwellings in this building. It has been determined that is property is a non-conforming use.

The Solicitor explained, at this point this property is a non-conforming use since there has already been a special use permit to expand a non-conforming use you cannot under 32-74 grant another special use permit for that purpose, to expand it again. Since the use is allowed under the Zoning Ordinance by special use permit you could seek a special use to allow a two family unit structure in a zone and barring any other non-conformance once that special use permit is granted to make it a conforming use. At that point you wouldn't be asking for a second expansion which would violate 32-74. He further explained that the application probably should have cited to the Use Table for the zone, citing the section for expanding non-conforming use. While they could get a special use permit which would allow the use, they cannot get a special use under that section which would allow the expansion.

It was moved by A. Ellis to grant the withdrawal of Application #15-2, Joao & Natalia Pereira, owners and applicants, 16-18 Long Wharf Dr, Plat Map 6, Lot 127, withdrawing the request for a *Special Use Permit* from section 32-74 of the Warren Zoning Ordinance to construct a 2nd floor addition thereby expanding a legal non-conforming use. Second by Vice Chair S. Calenda. Yea-Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, A. Ellis and M. Emmencker.

Application #15-3, Pinda, LLC/Steve Correa, owner and applicant, 520 Main St, Plat Map 4, Lot 125, request for a *Variance* from section 32-115 of the Warren Zoning Ordinance to allow installation of a free-standing, double faced, externally illuminated sign with a total of 45 sq ft where 15 sq ft is allowed. Two existing signs to be removed.

Josh Celeste, Esq., Duffy & Sweeney Ltd., 1 Financial Plaza, #1800, Providence, RI 02903, represented Steve Correa and assisted with testimony for Application #15-3, Pinda, LLC/Steve

Correa, owner and applicant, 520 Main St, Plat Map 4, Lot 125, request for a *Variance* from section 32-115 of the Warren Zoning Ordinance to allow installation of a free-standing, double faced, externally illuminated sign. Mr. Celeste began by stating that they took the Board's suggestions under advisement and have decreased the size of the signage being requested from 45 sq ft to 31 sq ft. They are now seeking a 31sq. ft. of signage and all existing signs will be removed. The new design will be 9' in elevation comparative to the Town Clock, which is 15' and will be installed at the corners of Croade St and Main St, on the owner's property.

Ron Dion of Dion Signs, 1075 High St, Central Falls, RI, was also present to give testimony on the actual sign. He state the inside of the post would be 4 x 4 non-break away steel post encapsulated with wood, installed on an engineered footing to withstand wind loads of 120-130 mile per hour. The sign will be constructed of a material called "sign form" which is considered "wood like" or similar and is a substitute for wood. This material will not warp or crack and the only maintenance is painting it. There will be one light to each side of the sign using 8 watt LED lighting. (Comparatively, a 10 watt LED is equivalent to a 40 watt light bulb.)

Public Comment - NONE

It was moved by Vice Chair S. Calenda to approve Application #15-3, Pinda, LLC/Steve Correa, owner and applicant, 520 Main St, Plat Map 4, Lot 125, request for a *Variance* from section 32-115 of the Warren Zoning Ordinance to allow installation of a free-standing, double faced, externally illuminated sign with a total of 31 sq. ft., which is a variance of 15 sq. ft. which is allowed. The applicant has indicated that they will remove existing signs there by reducing signage to one sign. A finding of fact the hardship is due to the unique characteristics of the subject land and of the structure which was not caused by the applicant. Also a finding of fact, the hardship was not due to any prior action of the applicant and is not for the desire of any financial gain. A finding of fact that the granting of this variance will not alter the general characteristics of the surrounding area and the request conforms with the purpose and intent of the Warren Zoning Ordinance and the Comprehensive Plan. A further finding of fact, the relief that the applicant is seeking is the least necessary relief for them to move forward on this application. The approval shall be conditional on the following: the existing awning signage previously installed shall remain as previously approved by the Building/Zoning Official, the shrubbery shall be maintained at a minimum of 8' as it currently is, the lighting shall not be brighter than 8 watt LED per fixture per side, the exhibit displayed this evening shall become a part of the record and application. Second by A. Ellis. Yea-Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, A. Ellis and M. Emmencker.

Application #15-4; Shawn & Amy Lee Coelho, owners and applicants, 66 King St, Plat Map 14, Lot 29, request for a *Variance* from sections 32-74 and 32-77 of the Warren Zoning Ordinance to construct a second floor addition with less than the required side yard setback and to allow expansion of a structure non-confirming by dimension.

Shawn and Amy Coelho owners and applicants of 66 King St were present to give testimony for Application #15-4, Plat Map 14, Lot 29, request for a *Variance* from sections 32-74 and 32-77 of the Warren Zoning Ordinance to construct a second floor addition with less than the required side yard setback and to allow expansion of a structure non-confirming by dimension.

Mr. Coelho explained they recently purchased this single family one story home and their intent is to add a second floor to add more bedroom space. The current dimensions are 26'x42' with all setbacks being met with the exception of the north side of the property which is 8 to 9 feet from the property line. They are looking to build up on the existing footprint.

Public Comment – NONE

It was moved by Vice Chair S. Calenda to approve Application #15-4, Shawn & Amy Lee Coelho, owners and applicants, 66 King St, Plat Map 14, Lot 29, request for a *Variance* from sections 32-74 and 32-77 of the Warren Zoning Ordinance to construct a second floor addition with less than the required side yard setback and to allow expansion of a structure non-confirming by dimension. A finding of fact the hardship is due to the unique characteristics of the subject land and subject not to the general characteristics of the surrounding area or not due to the physical or economic disability of the applicant. Also a finding of fact, the hardship is not the result of any prior action of the applicant and is not for the desire of any financial gain. A finding of fact, that the granting of this variance will not alter the general characteristics of the surrounding area. We have heard testimony from the applicant that it will conform with the neighborhood, meeting the standards that there are multiple two story family homes in this area. A further finding of fact and the request conforms with the purpose and intent of the Warren Zoning Ordinance and the Comprehensive Plan. Also a finding of fact, after hearing testimony, the relief that the applicant is seeking is the least necessary for the granting of this application. Second by P. Attemann. Yea-Chair A. Harrington, Vice Chair S. Calenda, P. Attemann, A. Ellis and M. Emmencker.

Administrative Matters:

February 25, 2015 agenda:

Update from the Building Official on demolition of the farm house located at 335 Market Street

Election of Chair and Vice Chair

Discussion and action of Zoning Board 2015 Calendar

Adjourn:

It was moved by Vice Chairman S. Calenda to adjourn the meeting at 7:57 PM. Second by P. Attemann. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, A. Ellis and M. Emmencker.

Respectfully submitted,

Rhonda Lee Fortin