

WARREN ZONING BOARD OF REVIEW  
September 21, 2016  
Minutes

The regular meeting of the Warren Building Board of Review was called to order at 7:02 pm by Chairman S. Calenda. Also present were Vice Chairman P. Attemann, W. Barrett Holby, Jr., A. Harrington, A. Ellis, 1st Alternate M. Emmencker and 2<sup>nd</sup> Alternate J. Rainone.

Solicitor Skwirz was also present.

**Approval of Minutes**

August 17, 2016 Zoning Board Meeting - A motion was made by A. Harrington to accept the August 17, 2016 minutes as circulated. Second by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, Jr., A. Harrington and A. Ellis. 5-0

**New Business**

**Application #16-24, Diniz, Jamie O & Debra A, owners and applicants, 26 Kathleen Dr., Plat Map 20, Lot 522, request for a *Variance* under section 32-77 of the Warren Zoning Ordinance to construct an addition closer to a side yard lot than allowed in a R10 zoning district.**

Debra A. Diniz owner and applicant was present to give testimony for Application #16-24. Ms. Diniz stated that she is seeking a Variance due to the need of adding a garage with a master bedroom and bathroom to be on the second floor. Ms. Diniz explained that her son lives in the house with his finance and her two children which brought on the need for the expansion. She further explained when facing her house this addition would be located to the right side of the existing house and it would be the front corner that would come within 10' of the 15' required side yard setback. She stated that there is a pond located on the other side which causes that side yard to become soggy at times which would make placing the addition there less than desirable. There would be access from one garage into the other.

Public Comment– NONE

**It was moved by A. Harrington to approve Application #16-24, Diniz, Jamie O & Debra A, owners and applicants, 26 Kathleen Dr., Plat Map 20, Lot 522, request for a *Variance* under section 32-77 of the Warren Zoning Ordinance to construct a single car garage with a master bedroom and bath above which will be offset from the existing house. The Variance needed is for the side yard setback where 15' is required and the applicant is seeking 10'. The 10' side yard setback is only the front corner which is due to the angle of the lot. Finding of fact, as the applicant has testified, the hardship is due to the unique characteristics of the land and the angle of this lot. Testimony also has shown that the applicant sort to place the addition in locations where the Variance many not have been needed but due to the pond and other areas of the lot, this is the most reasonable placement. Further finding of fact, the hardship is not due to any prior action of the applicant and by the granting of this application**

the general characteristics of the surrounding area will not be altered. This is a similar structure to those in the surrounding area and is the least necessary to accomplish what the applicant is seeking to accomplish. The granting of this Variance shall be conditional that it shall be compliant with all other building and fire codes and approvals. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, Jr., A. Harrington and A. Ellis. 5-0

**Application #16-25, JCV Investments, LLC, owner and Carlos Varnum, Jr., applicant; 46 Brownell St., Plat Map 16, Lot 183, request for a *Special Use Permit* under section 32-89 of the Warren Zoning Ordinance to allow installation/repair of an onsite wastewater treatment system (OWTS) within 200 ft of a body of water in a village residential overlay district.**

Carlos Varnum, Jr., applicant for Application #16-25 was present to give testimony. Mr. Varnum explained that he had hired Principe Engineering to design the On-Site Wastewater Treatment System Repair to replace the existing system that is currently located in the driveway. The new system has been approved by DEM and it will need to be serviced every 6 months, as well as meeting all of the setbacks.

Public Comment– NONE

**It was approved by A. Harrington to approve Application #16-25, JCV Investments, LLC, owner and Carlos Varnum, Jr., applicant, 46 Brownell St., Plat Map 16, Lot 183, request for a *Special Use Permit* under section 32-89 of the Warren Zoning Ordinance to allow installation/repair of an onsite wastewater treatment system (OWTS) within 200 ft of a body of water in a village residential overlay district. The granting of this Special Use Permit is to be consistent with the plan that is to be made part of the record and has been approved by CRMC and DEM. Second by P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, Jr., A. Harrington and A. Ellis. 5-0**

**Application #16-26, Goncalves, Maria G & Guilherme A, owners and applicants, 3 Greenlawn Ave, Plat Map 13A, Lots 133 & 134, request for a *Variance* under section 32-77 of the Warren Zoning Ordinance to add second floor addition closer to front and side lot lines than allowed in a R10 zoning district.**

Guilherme A Gonclves, owner and applicant was present to give testimony for Application #16-26. Mr. Goncalves explained that he would like to add a second floor which would remain within the first floor footprint to his existing legal non-conforming home. He further explained that he will remove all bedrooms from the first floor and the second floor will be 4 bedrooms, 1 bathroom and a living area.

Public Comment– NONE

**It was moved by Vice Chairman P. Attemann to approve Application #16-26, Goncalves, Maria G & Guilherme A, owners and applicants, 3 Greenlawn Ave, Plat Map 13A, Lots 133 & 134, request for a Variance under section 32-77 of the Warren Zoning Ordinance to add second floor addition closer to front and side lot lines than allowed in a R10 zoning district. Finding of fact, the required side yard setback where 15' is required and 13' is being proposed, a front yard setback where 25' is required and 19 1/5' is being proposed. Both of these dimensions are pre-existing conditions of the first floor causing a legal non-conforming and therefore there is a hardship due to the unique characteristics of the subject land and structures due to the relationship of the structure and the lot lines. Further finding of fact, the hardship is not due to any prior action of the applicant how purchased this property like this 6 years ago. By granting this Variance it will not alter the characteristics of the surrounding area as the neighboring area has the same configuration where the houses are closer to the lot lines than Zoning allows. Finding of fact, the relief being requested is the least necessary; the applicant will not be increasing the non-conformality but will be maintaining it due to family growing and the most economical way would be to expand to a second floor. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, Jr., A. Harrington and A. Ellis. 5-0**

**Application #16-27, Moniz, Michael, Jr, owner and applicant, 2 Butterworth Dr., Plat Map 20, Lot 259, request for a *Special Use Permit* under sections 32-131 & 132 of the Warren Zoning Ordinance to construct an in-law apartment in the basement in a R10 zoning district.**

Michael Moniz, Jr. of 34 Meadowcrest Dr., Riverside, owner and applicant was present to give testimony. Mr. Moniz explained that his in-laws currently live at 2 Butterworth Dr and his brother will be moving there so to make it more comfortable and private he is requesting to construct an in-law apartment. Mr. Moniz also stated that he is in receipt of a Cease and Desist Order however, that work was completed sometime ago.

Joseph Leocardo, 2 Butterworth Dr, father-in-law of the applicant who resides in the house was also present to give testimony. Mr Leocardo stated that the work was actually done 2-3 years ago and at the time he was not aware that he needed a permit. He continued to explain that when they received the Cease and Desist Order is when they became aware that they needed the permit for the work and that's when they applied for the Special Use Permit.

#### Public Comment

Sally Belmont of 193 Schoolhouse Rd stated that she has resided at her property for 29 years. Ms. Belmont also stated that there has been a steady flow of tenants in and out of this house over the past few years. She further stated that she is concerned with the condition of this property, the parking conditions and how it is changing the character of the neighborhood. Ms. Belmont also submitted pictures to the Board which were taken into evidence and labeled Exhibits 1, 2, 3 and 4.

Martha Lapre of 3 Prudence Lane stated that she has resided at her property for 46 years. Ms. Lapre also stated that the rear of her property abuts the applicant's property. She continued to explain that she is extremely concerned that Mr. Moniz's property will bring down the valuation of the neighboring properties. She further stated that there have been numerous tenants in Mr. Moniz's property with more than 5 dogs living on the property at one time. In addition, she is concerned with the nuisance of this property caused by parties they have frequently. She also stated that the backyard floods a lot and that there was a drainage ditch in the backyard that seems to have been filled in.

Moniz, Michael, Jr, owner of 2 Butterworth, Plat Map 20, Lot 259 and applicant for Application #16-27 a request for a *Special Use Permit* under sections 32-131 & 132 of the Warren Zoning Ordinance to construct an in law apartment in the basement in a R10 zoning district, requested withdrawal of his application without prejudice.

**It was moved by A. Harrington to grant the withdrawal without prejudice for Application #16-27, Moniz, Michael, Jr, owner and applicant, 2 Butterworth, Plat Map 20, Lot 259, request for a *Special Use Permit* under sections 32-131 & 132 of the Warren Zoning Ordinance to construct an in law apartment in the basement in a R10 zoning district. Second by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, Jr., A. Harrington and A. Ellis. 5-0**

**Administrative Matters – NONE**

### **Adjourn**

It was moved by Vice Chairman P. Attemann to adjourn the meeting at 8:16pm. Second by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, W. Barrett Holby, Jr., A. Harrington and A. Ellis. 5-0

Respectfully submitted,

Rhonda Lee Fortin  
Secretary