

DONALD G. MORASH, JR.
CHAIRMAN



SCOTT AVEDISIAN
MAYOR

CITY OF WARWICK
ZONING BOARD OF REVIEW
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WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE APRIL 10, 2018 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, April 10, 2018 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
Beverly Sturdahl
Mark McKenney
Everett O'Donnell
Fred Sarno
Paul Wyrostek

Absent: Julie Finn

Also present: Diana Pearson, Asst. City Solicitor
Susan Baker, Warwick Planning Department
Amy Cota, Secretary
Mary Ellen Hall, Stenographer

The Chairman entertained a motion to approve the minutes from the February 13, 2018 hearing, a motion was made by Everett O'Donnell, and seconded by Mark McKenney and passed unanimously by the Board that the minutes be accepted.

The Chairman stated that Petition #10529, 1160 Post Road, Warwick, RI, for the Planning Board Appeal was being continued until the May 8, 2018 hearing.

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED. There being none, the Chairman called the first petition.

Petition #10524

Ward 5

11 Elmdale Ave.

The petition of Jose V. Carvalho, 11 Elmdale Ave., Warwick, RI, requesting a dimensional variance to construct a 13' x 30' roof over existing patio. Proposed roof having less than required front yard setback. Assessor's Plat 355, Lot 150, zoned Residential A-7.

Jose Carvalho, Petitioner, 11 Elmdale Ave., Warwick, RI, was sworn in by the Chairman.

Peter Casale, co-consultant & Land Use Designer, 12 Prudence Ct., Warwick, RI, was sworn in by the Chairman. Mark McKenney made a motion to accept Peter Casale as an expert witness, seconded by Fred Sarno, and passed unanimously by the Board that Mr. Casale be accepted as an expert witness.

Mr. Casale stated the petitioners came before the Board in 1996 to erect a two car garage projecting into the front yard. Mr. Carvalho recently began constructing a patio roof/cover over a patio, behind the garage. He believed it was his right to do so, and was stopped by the Building Department for working without the proper permits. The roof being constructed will be open on all sides, it's just for protection from the sun.

He stated the lot is triangular shaped, having three front yards. It is a hardship for him to meet the front yard requirement, and is a beyond a mere inconvenience.

The Chairman asked if any of the neighbors complained about it. The petitioner stated the neighbors did complain.

The Chairman asked if there was anyone there to speak in opposition or in favor of the petition. There being none, Everett O'Donnell made a motion, seconded by Beverly Sturdahl, and passed unanimously by the Board, that the petition be GRANTED.

Petition #10525

Ward 5

24 Agawam Ave.

The petition of Melanie Bilazarian, 24 Agawam Ave., Warwick, RI, and Paul & Diane Surabian, 164 Beacon Ave., Warwick, RI, requesting a dimensional variance to construct an addition to the rear of the existing dwelling for a family room, pantry and to relocate the existing kitchen. Proposed addition having less than required rear yard setback. Assessor's Plat 385, Lot 42, zoned Residential A-40.

Melanie Bilazarian, Petitioner, 24 Agawam Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Bilazarian stated she would like to construct an addition on the side of the existing dwelling for a kitchen, pantry and possibly a mudroom.

Everett O'Donnell asked what she is doing with the existing kitchen. Ms. Bilazarian stated it will be converted to a T.V. Room.

The Chairman asked if she was modernizing and expanding. Ms. Bilazarian responded yes, she is.

The Chairman asked if the petitioner spoke with her neighbors. She stated the neighbor to the right is selling their house, and the neighbors to the left are relatives of hers.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none Everett O'Donnell made a motion to approve the petition, seconded by Mark McKenney, and passed unanimously by the Board that the petition be GRANTED.

Petition #10526

Ward 1

26 Aberdeen Ave.

The petition of Centerville Builders, Inc., 164 Centerville Rd., Warwick, RI, and Barbara Nobile, by her Administrator d.b.n., David B. Nobile, requesting a dimensional variance to demolish existing dwelling and construct a new 26' x 28' single family dwelling with an 8' x 12' rear deck. Subject property having less than required frontage and lot width. Assessor's Plat 302, Lot 274, zoned Residential A-7.

Attorney John Revens stated the petition was advertised for a 28' x 26' single family dwelling, but the plan in the file shows the proposed dwelling to be 28' x 40'. He stated he believed they should continue the petition, although the relief requested remains the same, the notice is incorrect.

Everett O'Donnell made a motion to continue the petition to the next hearing, seconded by Beverly Sturdahl, and passed unanimously by the Board that the petition be CONTINUED.

Petition #10527

Ward 6

292 Sea View Dr.

The petition of Angela Stamoulos, 9 Grant Ave., Belmont, MA, request an amendment to a previously granted resolution. Petitioner is proposing to demolish the existing dwelling at 292 Sea View Drive and construct a new single family dwelling in the same footprint. Proposed new dwelling having less than required front yard setback, on an undersized non-conforming lot, having two single family dwellings on one lot. Assessor's Plat 375, Lot 131, zoned Residential A-40 (formerly A-7).

Ms. Stamoulos stated she received approval from the Board in November 2017 to raise the existing structure above the flood elevation and to expand the structure. The petitioner was granted relief from the setback requirements. There is a legal second single family dwelling located on the same lot.

Since receiving the approval, the petitioner stated pipes froze in the dwelling. She met with Steven Davis, of SMD Construction as well as the Building Inspector and Building Official. The petitioner stated there are violations on the dwelling. Ms. Stamoulos stated she pointed out based on current zoning laws, in trying to save the structure with all the violations against it, by raising the structure the only thing that would be remaining would be the floor joists and 2 x 4's that are also not to code and sistering everything. She stated it would be more structurally sound if the City would allow her to tear down that structure and construct a new single family dwelling in the same footprint previously approved by this Board.

Ms. Stamoulos had a letter with signatures of support from her neighbors.

The Chairman asked if there was anyone there to speak in opposition or in favor of the petition. There being none, Mark McKenney stated he is familiar with this property, and thinks not only would it enhance the home, but also the neighborhood. The structure will be constructed in the same footprint, with the least relief necessary, and moved to approve the petition, seconded by Everett O'Donnell, and passed unanimously by the Board that the petition be GRANTED.

Petition #10530

Ward 8

27 Commonwealth Ave.

The petition of Elizabeth Colt and Kent Fields, 27 Commonwealth Ave., Warwick, RI, requesting a dimensional variance to demolish existing garage and construct a new detached two car garage. Proposed garage having less than required rear yard/street setback (Bald Hill Rd.), and less than required side yard setback. Assessor's Plat 262, Lot 215, zoned Residential A-15.

Kent Fields, 27 Commonwealth Ave., Warwick, RI, was sworn in by the Chairman.

The Chairman asked if the petitioner's property abutted Bald Hill Road.

The petitioner stated the only abutting neighbor is National Grid.

The Chairman asked if there was anyone there to speak in opposition or in favor of the petition. There being none, Mark McKenney stated its minimal relief requested, and would be an improvement, and moved to approve the petition, seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

Petition #10531

Ward 3

57 Ashwood Circle

The petition of Robert & Audrey Bartolomeo, 57 Ashwood Circle, Warwick, RI, requesting a dimensional variance to construct an 561 sq. ft. accessory dwelling unit (in-law) addition to the existing non-conforming single family dwelling. Proposed accessory dwelling unit being larger than allowed and having less than required side yard and rear yard setback. Assessor's Plat 269, Lot 87, zoned Residential A-10.

Susan Baker from the Planning Department read her stipulations into the record.

Robert Bartolomeo, Petitioner, 57 Ashwood Circle, Warwick, RI, was sworn in by the Chairman.

Daniel K. Flaherty, Esq., was present and representing the petitioner.

Attorney Flaherty stated the property is owner-occupied and intends to stay that way. The petitioners are requesting a 598 sq. ft. accessory dwelling unit (in-law) addition for Mr. Bartolomeo's parents who are in the nineties. They are requesting minor dimensional relief. The property meets the lot area, and is connected to public sewer & water.

Mr. Flaherty stated the accessory dwelling unit is part of an 860 sq. ft. addition, but the addition of the family room and basement stairwell are part of the main house and not the ADU (in-law). The family room/three season room will have access from the main house and the in-law, and will be shared, in the true spirit of an in-law.

Mr. Flaherty stated the property is located on an irregular shaped lot, in a cul-de-sac. He stated he has a revised floor plan to show the interior door in a hallway of the in-law and the main dwelling will be removed for open access.

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

Joseph Marsocci, 67 Ashwood Circle, Warwick, RI, stated he was present in favor of the petition.

Travis McGowan, 151 Spooner Ave., Warwick, RI, stated he was also present in favor of the petition.

Everett O'Donnell stated they are seeking minimal relief, the neighbors are happy, and moved to approve the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10532

Ward 6

155 Ottawa Ave.

The petition of John Counnas, Revocable Living Trust, 20 Regent Dr., North Kingstown, RI, requesting a dimensional variance to construct a 16' x 10' storage shed. Proposed shed having less than required side yard and rear yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 375, Lot 186, zoned Residential A-40.

John Counnas, Jr., Petitioner, 20 Regent Dr., No. Kingstown, RI, was present and sworn in by the Chairman.

Mr. Counnas stated he was looking for relief from the side and rear lot line to install a shed. He stated he is purchasing it from Lowe's and will have a company install the foundation to meet the building code.

The Chairman asked the petitioner if he spoke with his neighbors. Mr. Counnas stated he did not speak with the neighbors. He stated the existing shed will be removed and the new shed will be installed in the same location.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Everett O'Donnell stated there was no one present in opposition, and moved to approve the petition, seconded by Beverly Sturdahl, and passed unanimously by the Board that the petition be GRANTED.

Petition #10534

Ward 3

388 Lake Shore Dr.

The petition of Michael Strashnick, 555 Main Ave., Warwick, RI, requesting a dimensional variance to construct a 172 sq. ft. sunroom addition in the rear of the dwelling. Proposed sunroom having less than required setback to the wetland feature. Assessor's Plat 327, Lot 225, zoned Residential A-7.

Michael Strashnick, Petitioner, 555 Main Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Strashnick received approval from the Board in September 2016 for setback relief to construct a new single family dwelling, and in June 2017 for having less than required setback to the wetland feature.

Mr. Strashnick stated he would now like to have a four season/sunroom addition constructed in the rear of the dwelling, having less than the required setback to the wetland feature.

The Chairman asked if he spoke with his neighbors. Mr. Strashnick stated there is no neighbor on the right, just the boat ramp, and the neighbors on the other side are sixty to seventy feet away. He stated he gets along with all his neighbors.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Mark McKenney stated this is a reasonable request and moved to approve the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED.

Petition #10523

Ward 2

37 Temple Ave.

The petition of Maria Cruz, 109 Norwood Ave., Cranston, RI, requesting a dimensional variance to remove the existing porch and construct a new 6' x 15' covered front porch. Proposed porch having less than required front yard setback. Assessor's Plat 290, Lot 383, Zoned Residential A-7.

Maria Cruz, Petitioner, 109 Norwood Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Cruz stated they are requesting to replace the existing porch.

Everett O'Donnell asked if it was the same size as the existing porch. The petitioner stated it will be a little smaller.

The Chairman asked if there was anyone there to speak in opposition or in favor of the petition. There being none, Everett O'Donnell stated the porch will be smaller, will be new, and moved to approve the petition, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition #10533

Ward 5

Chiswick Road

The petition of Michael Capuano, 25 Palmer Ave., Warwick, RI, requesting a dimensional variance to sub-divide two abutting non-conforming lots to create one 9,109 sq. ft. lot with an existing single family dwelling, and one 7,143 sq. ft. lot with existing accessory structures to be demolished for the development of a new single family dwelling on a lot with less than required frontage and lot width. Assessor's Plat 359, Lot 503, zoned Residential A-7.

K. Joseph Shekarchi, Esq. was present and representing the petitioner. Attorney Shekarchi stated the petitioner has owned the property for many years, and has received Planning Board approval to sub-divide two abutting non-conforming lots.

Attorney Shekarchi stated his client has met extensively with the neighbors and they have agreed on fencing and landscaping.

Mr. Shekarchi stated the lot meets the square footage requirement, but not the frontage and lot width requirements.

The Chairman asked if there was anyone there in opposition or in favor of the petition. There being none, Everett O'Donnell stated there is no objection, and moved to approve the petition, seconded by Mark McKenney and passed unanimously by the Board that the petition be GRANTED.

Petition #10522

Ward 9

9 Sidney Ave.

The petition of Sundown Corp., 55 Friendship St., East Greenwich, RI, requesting a dimensional variance to construct a new two bedroom single family dwelling on a pre-existing undersized lot. Subject property having less than required frontage, lot width and lot area. Proposed dwelling having less than required side yard setbacks. Assessor's Plat 201, Lots 140 & 212, zoned Residential A-10.

Susan Baker from the Planning Department read the stipulations into the record.

Mr. Shekarchi thanked the applicant, Engineer and the Planning Department for working together to come to an agreement.

Attorney Shekarchi submitted Petitioner's Exhibit #1, a revised site plan. Mr. Shekarchi also submitted Petitioner's Exhibit #2, a report by Mr. Edward Pimental.

Michael McCormick, Professional Land Surveyor from Alpha Associates, 35 Rocky Hill Rd., E. Greenwich, RI, was sworn in, and a motion was made by Everett O'Donnell to accept Mr. McCormick as an expert witness, seconded by Mark McKenney and passed unanimously by the Board that Mr. McCormick be accepted as an expert witness.

Attorney Shekarchi explained the history of the site, previously had an existing residence that was demolished in 2012. They received septic approval from RI DEM for a proposed 24' x 36' two bedroom single family dwelling with a deck in the rear and a small covered front porch. They are seeking relief from the required side yard setback on both sides.

Attorney Shekarchi stated Mr. Pimental couldn't be present tonight, but wanted to emphasize two points Mr. Pimental makes in his report, it states this plan is in conformance with the City Comprehensive Plan as well as being in conformance with the surrounding area.

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

Anthony Distasio, 100 Charlotte Dr., Warwick, RI, was present and sworn in by the Chairman. Mr. Distasio stated he is concerned with the setback being only eight feet from his property line, and the lot being undersized.

The Chairman stated the City has gone through great lengths to scale this down, and the City Planner would normally object if they think it's worthy to being objected to.

Attorney Shekarchi stated he can sympathize with this gentleman. He stated both lots are almost identical. They are constructing the dwelling to the A-7 setbacks, the original zone, and he assumes Mr. Distasio's setbacks are similar. There are very few lots in the area that meet the requirements. Mr. Shekarchi stated the lot was platted prior to the 1950's and is a legal lot of record.

Fred Sarno asked if there was a dwelling located on this lot at one time. Mr. Shekarchi stated yes, there was a house that was demolished.

The Chairman told Mr. Distasio he appreciates his input.

The Chairman asked if there was anyone else present to speak in opposition or in favor of the petition. There being none, Mark McKenney stated the relief being sought is reasonable, for the reasons set-forth and the evidence presented, particularly with the applicant to work with the planning department and adjust the plans to make them the least relief necessary, Mr. McKenney moved to approve the petition, seconded by Fred Sarno and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10535

Ward 5

46 Burnett Rd.

The petition of Kevin F. Clynes, Sr., 46 Burnett Rd., Warwick, RI, requesting a dimensional variance to construct a three story addition to the front of the existing dwelling. Proposed addition having less than required side yard setback, and being higher than allowed by ordinance. Existing garage having less than required front yard setback. Subject property being a legal non-conforming lot. Assessor's Plat 380, Lot 183, zoned Residential A-15.

Susan Baker from the Planning Department read the stipulations into the record.

Kevin Clynes, Petitioner, 46 Burnett Rd., Warwick, RI, was present and sworn in by the Chairman.

Mr. Clynes stated he bought the property with the anticipation of living there by himself. He has since gotten engaged, and his fiancé has two sons, and he has three sons of his own.

The Chairman asked if the height was over the 35' requirement. The petitioner stated it is not over the height requirement. The Chairman stated these waterfront cottages are all being torn down and rebuilt, you see it in other waterfront areas.

Mark McKenney asked the petitioner if he is agreeable to the stipulations. Mr. Clynes stated he is absolutely in agreement with the stipulations.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Mark McKenney stated the relief is minimal, and moved to approve the petition, seconded by Everett O'Donnell and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

A motion was made by Everett O'Donnell, seconded by Beverly Sturdahl and passed unanimously by the Board that the meeting be adjourned. The meeting was adjourned at 7:20 P.M.

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

Donald G. Morash, Jr., Chairman