

Minutes of the
Zoning Board of Review

March 23, 2010

A meeting of the Zoning Board of Review was held on Monday, March 22, 2010, in the Council Chambers of City Hall at 7:00 p.m.

PRESENT: Rebecca McSweeney, Chair
Liz Minifie
Marvin Abney
Michael Martin
Greg Yalanis
Martin Cohen
Mary Joan Hoene

Guy Weston, Zoning Officer
Chris Behan, Assistant City Solicitor
Nancy Simoes, Stenographer, Allied Court Reporters

D E C I S I O N S

A motion to approve the minutes of January 25, 2010 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved.

A motion to approve the minutes of February 22, 2010 was made by Ms. Minifie, seconded by Mr. Cohen with the change that the word "as" be added to the fourth paragraph on the first page. The motion was unanimously approved.

A motion to extend the approval of the Petition of David Kline, located at 54 Brenton Road to June 30, 2011, was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved.

The petition of Robert Ehrlich, located at 8 Harbor View Drive, was withdrawn without prejudice.

The petition of J.H. Enterprises, located at 337 Thames Street, was withdrawn without prejudice.

A motion to adopt the application and staff report as the board's findings of fact for the PETITION OF STEVE & LAVINE PISERCHIA, applicants & owners; for a special use permit and a variance to the dimensional requirements for permission to expand 2, 3rd floor dormers which are located 2.5' from the east property line and 5.5' from the west property line (10' required) applying to the property located at 15 Carey St., TAP 40, Lot 473, (R-10 zone) applying to property located at 22 Holland St., TAP 32, Lot 226 (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application and staff report as the board's findings of fact for the PETITION OF BRENDA CARLIN, ET. ALS., applicants & owners; for a variance to the dimensional requirements for permission to subdivide the property into 2 lots. Sideyard setback of Parcel 1 to be 26.4', sideyard setback of Parcel 2 to be 24.3' (50' required) applying to the property located at 315 Ocean Ave., TAP 43, Lot 44, (R-160 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Attorney Patrick Hayes, Jr. is to prepare the decision.

A motion to adopt the application and staff report as the board's findings of fact for the PETITION OF MARK WHITCHER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a 178 sq. ft. porch addition which will increase the lot coverage from 29% to 31% (20% allowed) applying to the property located at 86 Rhode Island Ave., TAP 23, Lot 18-6, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application, staff report and the representations of Turner Scott, attorney for the petitioner, as the board's findings of fact for the PETITION OF MARK & LINDA NARBY, applicants; RALPH & FLORENCE WEISS, owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 1-story 70 sq. ft. rear deck and a 208 sq. ft. front porch addition both of which will increase the lot coverage from 20% to 26% (20% allowed) applying to property located at 13 Bayside Ave., TAP 9, Lot 192 (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Attorney Turner Scott is to prepare the decision.

A motion to adopt the amended application, amended staff report and the representations of Turner Scott, attorney for the petitioner, as the board's findings of fact for the amended PETITION OF DORRANCE HAMILTON, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing garage and construct a new 1-1/2 story 570 sq. ft. garage which will be located 3.5 ft. from the west property line and 1.75 ft. from the north property line (10 ft. required) and which will increase the lot coverage from 21% to 23% (20% allowed) applying to the property located at 93 Roseneath Ave., TAP 41, Lot 104, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the following conditions;

1. that the project be started and substantially completed by June 30, 2011;
2. no dwelling unit shall be established in the garage structure;
3. no customary home enterprise shall be permitted in the garage structure;
4. the garage structure shall not be used, occupied or maintained independently of the main house on the property;
5. No stairwell may be built or maintained in the garage structure. However, a ladder or pull/drop down stairs may be incorporated into the design and the use of the garage to access the storage loft;

6. the roof and the wall structure of the proposed garage structure which faces west shall not be permitted to have any windows or skylights;

7. the loft area above the garage may be used for storage only;

8. no living quarters, recreation area or use other than garage and storage in connection with the main house on the property shall be permitted in the garage structure; and

9. the design of the garage be as indicated on submitted plans dated 3/19/10.

was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Attorney Turner Scott is to prepare the decision.

A motion to adopt the amended application, staff report and the representations of Turner Scott, attorney for the petitioner, as the board's findings of fact for the amended PETITION OF ROMAINE ORTHWEIN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new 1-story rear conservatory addition which will be located 20' from the south property (40' required) applying to property located at 447 Bellevue Ave., TAP 36, Lot 141 (R-60 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Attorney Turner Scott is to prepare the decision.

A motion to adopt the application, staff report and the representations of Turner Scott, attorney for the petitioner, as the board's findings of fact for the PETITION OF WILLIAM HOFFMAN, applicant, 262 THAMES ST. REALTY, LLC, owner; for a special use permit and a variance to the off-street parking requirements for permission to eliminate 2 off-street parking spaces and add a 500 sq. ft. of outdoor service area and provide 0-additional off-street parking (2 additional off-street parking spaces required) applying to the property located at 256-264 Thames St., TAP 24, Lot 254, (GB zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the following conditions:

1. that the project be started and substantially completed by June 30, 2011;

2. a 4 ft wrought iron fence with no more than a 3-ft opening is placed along the portion of the patio abutting the sidewalk;

3. if required, a new curb cut permit is obtained;

4. the outdoor service not be installed until May 1st and must be removed by October 30th of each year; the 2 off-street parking spaces are made available from November 1 to April 30th;

5. the location of the outdoor service window be as depicted on the submitted site plan;

6. the first space be a handicap parking space; and

7. a safety mirror be installed at the entrance/exit to the parking area,

was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Attorney Turner Scott is to prepare the decision.

A motion to approve the PETITION OF JOHN & LOUISE MCNULTY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a stairway/bath/laundry room addition which will increase the lot coverage from 27% to 29% (20% allowed) applying to the property located at 45 Eastnor Rd., TAP 40, Lot 461, (R-10 zone) with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr.

Cohen. The motion was unanimously denied. (Mr. Martin recused). Mr. Weston is to prepare the decision. Members voting were Mr. Abney, Mr. Cohen, Ms. McSweeney, Ms. Minifie and Ms. Hoene.

A motion to approve the amended PETITION OF GERRI & ANTHONY LORUSSO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a tri-level 5' x 27.5' porch which will be located 1' from the north property line (15' required) which will increase the lot coverage from 19% to 23% (20% allowed) applying to property located at 37 Wellington Ave., TAP 39, Lot 137 (R-10 zone) with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to approve the PETITION OF MICHAEL & LISA KEATING, applicants and owners; for a special use permit for permission to modify the use of an existing non-conforming structure by converting the existing detached 1-car garage into a family/kids play area applying to property located at 9 Florence Ave., TAP 40, Lot 347 (R-10 zone) with the following conditions:

1. that the project be started and substantially completed by June 30, 2011;
2. that there be no windows on the north side of the structure;
3. there be no cooking facilities in the structure;
4. there be no home occupation or guest house use;

was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously denied. Attorney Turner Scott is to prepare the decision.

A motion to approve the PETITION OF JOHN BERARD, applicant; RFP, LLC, owner; and POPS ITALIAN ICE, LLC; for a special use permit for permission to convert the existing retail space into a fast-food restaurant applying to the property located at 8 Fair St., Unit 4, TAP 27, Lot 286-4, (LB zone) with the condition that the project be started and substantially completed by June 30, 2011 and that there be no sale of sandwiches was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to approve the amended PETITION OF ELLA TERRACE, LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 3-story, single-family dwelling with attached, 2-car garage which will increase the lot coverage from 0% to 15% (10% allowed) applying to the property located on Ella Terr., TAP 44, Lot 87, (R-40A zone) with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was approved on a 4-1 vote. (Mr. Cohen voting nay). Attorney Peter Regan is to prepare the decision.

The following petitions were continued to the regular meeting of April 26, 2010:

- 4) Petition of St. Michael's Day School, located at 180 Rhode Island Avenue (Aug-4)
- Petition of Stone Gables, Inc., located at 100 Rhode Island Avenue, (Feb-1)
- Petition of W.E. Katz Real Estate, LLC., located at 60 Old Beach Road, (Feb-6)
- Petition of John & Linda Lacey, located at 36 Dean Avenue, (Mar-6)
- Petition of Parker Avenue, LLC, located on Parker Avenue, (Mar-9)
- Petition of Parker Avenue, LLC, located at 41 Parker Avenue, (Mar-10)

The following petition was continued to a special meeting to be held on May 13, 2010 at 6:30 pm:

Petition of The Saint Clare Home, Inc., located at 309 Spring Street, (Feb-14)

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