

**TOWN OF CHARLESTOWN  
ZONING BOARD OF REVIEW  
MINUTES**

The Charlestown Zoning Board of Review held a regular open meeting on Tuesday, August 17, 2010 at 7:00 PM at the Charlestown Town Hall, 4540 South County Trail, Charlestown, Rhode Island.

Members present: Michael Rzewuski  
Raymond Dreczko  
William Meyer  
Richard Frank  
Scott Northup, Alt. #1  
David Provancha, Alt. #2

Also present were, Robert Craven, Solicitor, John J. Matuza, Building Official, Caroline Dion, Court Reporter and Ellen A. Hefler, Clerk.

**Pre-roll**

Everyone present will attend the September 21, 2010 except Mr. Meyer.

**Minutes**

The minutes of the July 20, 2010 meetings were approved as written.

Mr. Rzewuski called the first petition.

**Petition #1186 Helen E. Daly**

Appealing the decision of the Building Official dated June 25, 2010 under Article IV, Section 218-28 and Article VI, Section 218-33B contiguous substandard lots in an R2A Zone. Premises located at Bay View Road, Charlestown and is further designated as Lot 280-1 on Assessor's Map 2.

The Board received a letter from Thomas J. Liguori, Jr., attorney for the applicant, requesting continuance to October 19, 2010.

Mr. Meyer moved that the petition be continued to October 19, 2010.

Mr. Dreczko seconded the motion.

THE BOARD UNANIMOUSLY CONTINUED THE PETITION TO OCTOBER 19, 2010.

Mr. Rzewuski called the second petition.

**Petition #1187 Arline and Tamara Duker**

Appealing the decision of the Building Official dated June 25, 2010 under Article IV, Section 218-28 and Article VI, Section 218-33 contiguous substandard lots in an R2A Zone. Premises located at 26 Bay View Road, Charlestown and is further designated as Lot 280 on Assessor's Map 2.

The Board received a letter from Vincent J. Naccarato, attorney for the applicant, requesting continuance to October 19, 2010.

Mr. Meyer moved that the petition be continued to October 19, 2010.

Mr. Dreczko seconded the motion.

THE BOARD UNANIMOUSLY CONTINUED THE PETITION TO OCTOBER 19, 2010.

Mr. Rzewuski called the third petition.

**Petition #1183 Rollin E. Ladd**

For the purpose of adopting the written decision to grant a Dimensional Variance under Article VI, Section 218-32A, Table 32.1 Dimensional Regulations to construct a breezeway between the existing house and garage closer to property lines than allowed in an R40 Zone. Premises located at 621 Alton Carolina Road, Charlestown and is further designated as Lot 7 on Assessor's Map 24.

Mr. Rzewuski explained that the board would be voting on a written decision as prepared by Mr. Craven.

Mr. Dreczko moved that the written decision be adopted as prepared by Mr. Craven.

Mr. Frank seconded the motion.

VOTE: Dreczko – aye Frank – aye Provancha – aye Meyer – aye Rzewuski - aye

THE BOARD UNANIMOUSLY ADOPTED THE WRITTEN DECISION AS PRESENTED BY MR. CRAVEN.

Mr. Rzewuski called the fourth petition.

**Petition #1184 Margaret A. Laurence for Steven and Roseann Padula**

Requesting a Dimensional Variance under Article VI, Section 218-32A, Table 32.1 Dimensional Regulations to construct a shed that will exceed the allowable lot coverage in an R2A Zone. Premises located at 318 East Beach Road, Charlestown and is further designated as Lot 520 on Assessor's Map 2.

Margaret Laurence, attorney for the applicant, explained the history of the property, the shed that was on the property when the Padulas purchased the property and the violation.

Mr. Matuza explained that it had been a two family property that was converted to a single family. The existing lot size and coverage was in existence before this zoning ordinance was adopted in 1998, at which time the lot coverage became non-conforming. At that time there was an 8'x10' shed on the property that was replaced at some point with a larger shed. The majority of the relief in this application is grandfathered.

There ensued discussion on square footage and amount of relief.  
Roseann Padula was sworn, explained the purchase of the property and the history of the shed. She submitted to the Board a statement of what is stored in the shed.

Raymond Mott, Realtor, was sworn, gave his experience and explained that the shed is in conformance with the uses in the neighborhood. It will have no a negative affect on the surrounding property.

There were no objectors present.

Mr. Matuza reviewed the amount of relief requested.

Ms. Laurence amended the application to reflect the requested relief.

Mr. Dreczko moved that the public hearing be closed.

Mr. Frank seconded the motion.

THE BOARD UNANIMOUSLY CLOSED THE PUBLIC HEARING.

388 RD Moved that petition #1184 Margaret A. Laurence for Steven and Roseann Padula requesting a Dimensional Variance under Article VI, Section 218-32A, Table 32.1 Dimensional Regulations to construct a shed that will exceed the allowable lot coverage in an R2A Zone be approved. Premises located at 318 East Beach Road, Charlestown and is further designated as Lot 520 on Assessor's Map 2.

Mr. Frank seconded the motion.

The board felt that the applicant, based on testimony, was of understanding that the shed was on the property with all the proper paperwork permitting allowing it to be there. While we are trying to get the paperwork to address all lot coverages for any future concerns or permitting, Mr. Meyer mention 31.8% would be the total lot coverage variance. However, based on the history of the property and sticking strictly to the shed, it actually works out to 7.5% of a variance for the shed itself. Based on the date of sale and the time that the shed was presumed to have been built and located on the property, the hardship is not due to any action that the applicant has taken. I feel that it would be the least relief necessary and not contrary to the public interest and welfare.

VOTE: Dreczko – aye Frank – aye Meyer – aye Provancha – aye Rzewuski – aye

THE PETITION WAS GRANTED UNANIMOUSLY.

### **Discussion Among Members**

Mr. Matuza stated that the Town Council has adopted a reformatted Zoning Ordinance. There have been no changes to the content of the Ordinance, just in a different format that will be more user friendly. The Board will be get new copies. Future applications will cite the new sections of the Ordinance. He further explained the changes. There are other things that will come up before the Town Council in October.

Mr. Craven pointed out that there are two appeals of the Zoning Officials determination that the lots have been merged. He referred to the Michael Kent court case. The Board may want to have an executive session before the September meeting to review that information.

There ensued discussion.

Mr. Craven stated that he will give the Board information on relevant cases before that session.

There ensued discussion.

The Board agreed to have an Executive Session on September 21, 2010 at 6:15 PM.

**Adjournment**

There being no further business, the meeting adjourned at 7:45 PM.