

# **TOWN OF CHARLESTOWN ZONING BOARD OF REVIEW**

**Held an Open Meeting & public Hearing**

**On Tuesday, January 16, 2018 at 7:00PM**

**4540 South County Trail, Charlestown, Rhode Island**

**Call to Order: Mr. Dreczko called the meeting to order at 7:00PM**

**Roll Call: Present: Mr. Chambers, Mr. Lovoy, Mr. Quadrato, Ms. Quinn, Ms. Tolle, Mr. Vanover, Mr. Dreczko**

**Absent: Ms. Wibeto**

**Also Present: Ms. Murray, Zoning Officer, Mr. Brochu, Solicitor, Ms. Dion, Stenographer and Ms. Goff, Clerk**

**Pre-Roll: February 20, 2018: All those present this evening will be in attendance at the Tuesday, February 20, 2018 meeting.**

**Approval of Minutes: December 12, 2017**

**A motion was made by Ms. Stolle, seconded by Mr. Quadrato to approve the December 12, 2017 meeting minutes as submitted. Vote was unanimous.**

## **PUBLIC HEARINGS:**

**#1438 Cheryl E. Weeden**

**Appealing the decision of the Building/Zoning Official's denial to issue a Zoning Certificate in accordance with Section 218-6 B (8) and**

**Section 218-25. Premises is located on the East side of South County Trail and is further designated as Lot 11 on Assessor's Map 23.**

**The Board is in receipt of a letter from Attorney Charles Soloveitzik requesting a continuance of Application #1438 to the regular March 20, 2018 meeting. Mr. Dreczko then read the letter into the record.**

**A motion was made by Mr. Quadrato, seconded by Ms. Stolle to grant the request to continue application #1438 to the March 20, 2018 meeting. Vote was unanimous.**

**#1439 Habitat for Humanity for Rhode Island, South County, Inc. Requesting a Dimensional Variance in accordance with Article XI, Section 218-63, Subsection B (2) (b) [1] to increase the existing sign from 24 sq. ft. to 37 sq. ft. Premises is located at 1555 Shannock Road and is further designated as Lot 24 on Assessor's Map 29.**

**Mr. Jay Shartenberg was sworn in. Mr. Shartenberg is representing Habitat for Humanity this evening. The application before the Board is requesting dimensional variance to increase the size of the sign at their 1555 Shannock Road location.**

**Mr. Chambers asked why they are proposing the change. Mr. Shartenberg responded that it is their desire to increase the amount of information about the offices and the Re-Store on the sign and**

**include the hours of operation.**

**Mr. Quadrato felt that there was duplication of information on the proposed sign and asked if that could be incorporated into the top section. Mr. Quadrato agrees about adding the hours of operation but thinks that it would be less distracting without the bottom section.**

**Mr. Shartenberg explained that they would like to distinguish between the administrative offices and the Re-Store as they are two separate entities. They are trying to convey as much information as possible without too many words.**

**Ms. Quinn asked if there is any legal reason to differentiate between the two. Mr. Shartenberg responded that they are two different entities and we want to make that clear. On the current sign it isn't clear.**

**Colin Penney was sworn in. Mr. Penney is the Director for Habitat. We are a fair housing lender and there are some stipulations from HUD that requires differentiating between the retail and fair housing operations. We want the public to be aware that they are two different entities. The administrative offices are integrated with the ReStore but have slightly different hours of operation. The majority of public traffic is for the retail operation.**

**Mr. Lovoy doesn't feel that the new sign identifies the fact that there are administrative offices at the location.**

**Mr. Shartenberg explained that they hold home buyer training classes as well as advertise about housing that will be coming available. Mr. Lovoy suggested adding "Administrative Offices and Services" to the sign.**

**Ms. Quinn asked if the property could have two signs. Ms. Murray referenced the Zoning Ordinance Section 218-63 B2 B1 which states if a kiosk is not being used "one free standing sign not larger than 24 sq. feet is allowed". If there was more than one business located in the building then it would be a kiosk style sign.**

**Mr. Shartenberg noted that the current sign was installed in July 2017. The Administrative services have been on site since opening in 2007.**

**Mr. Quadrato suggested that the applicant put the ReStore portion on the top center, South County Habitat on the bottom and then the hours in the middle and reduce the ReStore portion of the sign to what it was originally. Then the only additional area would be for the hours, about 8" x 6', or an increase of about 4 sq. feet. And still accomplish what you are trying to achieve.**

**Mr. Vanover noted that in order to receive relief from the Board there**

has to be a hardship and he doesn't believe there is a hardship. He suggested that the applicant should be able to get all the information on the existing sign without increasing the size of the sign. It doesn't take away from the good work done by Habitat. Mr. Vanover suggested that the applicant could have an "Open" flag sign.

Mr. Shartenberg added that the traffic speed (which could be considered a hardship) in the area is faster than it should be and the larger the letters the easier it would be to see.

Mr. Chambers feels that the existing sign is adequate to do what you want it to do and feels that there is still enough space to add hours of operation and wouldn't need a variance.

Mr. Penney added that they do not own the Habitat logo which has restrictions which they must comply with. Mr. Chambers responded that in his opinion a corporate logo does not take priority over the Town ordinance. Mr. Dreczko suggested that the size of the logo exists on the current sign and the hours of operation could be added to the door.

Ms. Stolle suggested that part of the problem might be the color alternation, keeping the band that states "store donation center" could have the hours of operation with the days abbreviated with room for a phone number as well. Clearly people looking for the ReStore would find it. Another suggestion would be to have the

**lettering for “store donation center” in black. Mr. Shartenberg added that the proposed colors are the new Habitat colors, but thought the suggestion about the black lettering was a good one.**

**For the record; anyone present in favor of the application – there were none**

**Anyone present opposed to the application – there were none**

**Any correspondence received – there was none**

**Discussion:**

**Mr. Quadrato had two thoughts, restricting the sign altogether or allowing the additional 4 sq. feet to allow adding the hours of operation.**

**Mr. Dreczko stated that Mr. Vanover did mention the lack of hardship on the part of the applicant and that the sign should remain the size that it is. Mr. Dreczko opinion is that the sign is existing, the logo is already there and he doesn't see the hardship. The applicant also mentions that the area is hazardous due to high speed and shouldn't add additional distraction, the hours of operation can be put on the door, there will always be someone asking for direction even with signage, and the request for an increase of greater than 50% of what is allowed by the Ordinance.**

**Mr. Quadrato added that the applicants concern about the distinction between the two entities but feels the new sign is more restrictive.**

**He feels that the sign takes emphasis off the admin portion and highlights the ReStore.**

**Mr. Chambers feels that the existing sign is more than adequate to identify the business.**

**Mr. Lovoy felt it is just as important to notify the public that the Administrative offices are located here. Mr. Dreczko pointed out that the proposed sign does not advise that administration is located at the site.**

**Mr. Dreczko asked Mr. Shartenberg to return to the podium. Mr. Dreczko asked Mr. Brochu if it is an option for the applicant to request that the application be withdrawn without prejudice**

**Mr. Brochu suggested a better option might be to request a continuance to a date certain so that any relief requested at that time would presumably be less than the relief being sought in the current application. The applicant could present an alternative plan at that time.**

**Mr. Shartenberg would like to continue the application and take into consideration the comments and suggestions of the Board. The applicant would like to continue to the March meeting.**

**Mr. Chambers would like to receive the revised materials two weeks before the meeting date.**

**A motion was made by Mr. Chambers, seconded by Ms. Stolle to continue application #1439 to the March 20, 2018 meeting. Vote was unanimous.**

**#1440 Kevin Classey**

**Requesting a Dimensional Variance in accordance with Article VII, Section 218-41 Dimensional Table to relocate the landing and stairs to the front of the deck; 30' permitted; 22' proposed, and to extend the roof line over the second floor deck from 10' to 13.5'; 38' permitted; 27.3' proposed. Premises is located at 166 Pequot Drive and is further designated as Lot 222 on Assessor's Map 10.**

**Kevin Classey was sworn in. Mr. Classey is representing the property owner this evening. It is the owners desire to relocate the stairs to the main entrance of the home from the side to the front deck and extend the roof line over the second floor deck and enclose the second floor deck with a three season room. The stairs are proposed to be directed to the rear of the property.**

**The property is currently a seasonal residence for the owner, but they are getting ready to retire.**

**Ms. Stolle clarified that the 10.7 rear setback is the current setback. Mr. Classey confirmed that is correct, the Building Department**

wanted us to request the variance for the roof line. The 3rd floor deck is only 10' wide and the proposal is to add a roof over the entire 2nd floor deck which is 13' wide. The roof line will be over the existing footprint.

Ms. Quinn ask if the existing concrete foundation is sufficient. Mr. Classey responded that it is. Ms. Stolle confirmed that the 3rd floor deck will be eliminated, Mr. Classey confirmed that is correct.

Mr. Dreczko clarified that the relocation of the stair is because this will become a year round home for the owner. Mr. Classey believes the owner will be using the property more. The stairs are the main access to the dwelling and will not be covered.

Mr. Dreczko asked what the reason for the 5' x 5.6' landing. Mr. Classey explained that once posts, stringers and railings are installed there will be approximately 46" which will give easy access for moving furniture, etc.

Mr. Classey was asked if the slider on the basement level give interior access. Mr. Classey responded that there is an interior center stair case. However the way it is positioned it would be very difficult to move furniture or appliances. The lower level has a tile floor and the mechanicals are located there as well.

Mr. Dreczko asked Mr. Classey if there would be any objection if the

depth of the proposed stairs was reduced to 4' which would mimic the existing. Mr. Classey responded that if the 4' width will make the project acceptable then the owners would be ok with that.

For the record: anyone present in favor of the application – there was none

Anyone present opposed to the application – there was none

Any correspondence – there was none

Discussion: Mr. Chambers agreed with the 4' wide stairs suggested by Mr. Dreczko.

Mr. Quadrato feels the proposal will be a big improvement to the existing conditions as well as a very reasonable request.

A motion was made by Mr. Dreczko, seconded by Ms. Stolle, to approve application #1440 amending the requested relief from 22' proposed front yard setback to a 23' front yard setback with 7' relief opposed to 8'; the front deck will be 4' in depth as opposed to the requested 5' as viewed from Pequot Drive; that the reason for the oversized stair and landing is due to the living area being located on the second floor; that there is a need to be able to get up and down safely in that area; that it is a reasonable request and the requested relief is 1' less than the original request; that there was an effort to meet the least relief necessary; the remaining construction will be within the confines of the existing footprint; that it is in preparation of

**tenancy 12 months of the year vs. a summer home.**

### **Member Vote**

**Mr. Dreczko Approve**

**Mr. Chambers Approve**

**Mr. Quadrato Approve**

**Ms. Stolle Approve**

**Mr. Vanover Approve**

**Based on a vote of 5 – 0 in favor application #1440 is unanimously approved.**

### **Members Comments and Questions**

**Mr. Dreczko asked that members reserve any comments or questions regarding the recently received decisions for the upcoming executive session meeting.**

**Mr. Chambers had a comment about a sign that is located on South County Trail on a property heading south of Shannock Road intersection. Mr. Chambers feels that the sign is improperly placed on the property. It is an advertisement “Space for Rent” it is too close to the road and blocks the oncoming traffic and exceeds 48 square feet.**

**Ms. Murray will relay that information to the appropriate staff.**

**The Board members were provided with copies of the current Dimensional Variance/Special Use Permit and Appeal applications. Ms. Murray asked that they review them and make note of any suggestions for revisions that can be discussed at the next regular meeting.**

**Adjournment: A motion was made by Mr. Quadrato, seconded by Ms. Stolle to adjourn the meeting. Vote was unanimous. The meeting adjourned at 8:00PM**

**Respectfully submitted,  
Mary Goff, Clerk**

**Approved February 20, 2018**