

ZONING BOARD OF REVIEW
Barrington, Rhode Island
November 15, 2007

APPLICATIONS: #3443, 3444, and 3445

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Mark Freel, Gale Gennaro, Neal Personeus and Ian Ridlon.

Also present were solicitor Nancy Letendre and Robert Speaker, Building Official.

At 7:05 P.M. Mr. Kraig opened the meeting, which proceeded to hear the following matters. At 8:50 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on the applications it had heard.

Application #3443, Michael and Michelle McGill, 86 Markwood Drive, Barrington, RI 02806, applicants and owners, for permission to construct a second story addition and connect the main house to the shed; Assessor's Plat 23, Lot 267, R-10 District, 86 Markwood Drive, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback, and for being within 100' of a wetlands/water body.

Present: Michael McGill, 86 Markwood Drive, Barrington, RI

In the audience:

Doug Materne, Barrington Conservation Commission

Mr. McGill explained that the existing house is a small bungalow that is insufficient for his growing family. He is seeking to construct a second floor addition and connect the existing shed (designated as "garage" on the site plan) to the house.

Mr. Kraig noted that the Conservation Commission had recommended in favor of approving the application.

The members of the Board struggled with the plans presented, as the dimensions were unclear, the size of the overhangs were not properly defined, and there was no plan reflecting what was existing vs. what is proposed. After discussion, the Board decided to continue the application, requesting more information from the applicant.

VOTE: Mr. Freel moved to continue this matter requesting the following be forwarded to the Board prior to that meeting:

- A site plan reflecting the existing structures vs. the proposed structure
- A clear and consistent definition of the dimensions of the lot and the structures, including all overhangs

Mr. Personeus seconded the motion and it carried unanimously (5-0).

Application #3444, Ann and Robert Burke, 8 Colton Drive Barrington, RI 02806, applicants and owners, for permission to construct a 12' x 12' dining room addition; Assessor's Plat 9, Lot 165, R-25 District, 8 Colton Drive, Barrington, RI 02806, requiring dimensional relief for front yard setback.

Present: Robert Burke, 8 Colton Drive Barrington, RI 02806

There was no one in the audience to speak for or against this application.

Mr. Burke explained that his house, originally constructed in 1939, did not have a "front" door – entry is from the rear. Due to additions the house had a very long look to it, and a front entry way would help break that up. Due to the kitchen cabinets and other elements of the kitchen (which is in the front of the house), the only logical location for the entryway would be at the dining room. It is necessary to extend toward the street – rather than to the side - in order to have enough room and to avoid increasing the very long, unbroken front facade. They are proposing three doors to the dining room extension / entry hall, in order to allow more natural light in as well as provide access to various points on the property.

VOTE: Mr. Freel moved to grant the application. Ms. Gennaro seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated that they were in favor of approving the application for the following reasons:

- The house has an unusual configuration - it currently lacks a front door
- The applicant has demonstrated that they are unable to locate the door elsewhere
- The road, which serves very few houses, is very wide, with substantial grass areas between the pavement and the property line, creating additional setback for the property
- The proposal is within the characteristics of the neighborhood
- The lot is 10,000 sq ft in an R-25 zone
- The steps that appear on the plan will NOT be built; the entryway / overhang on the right side of the house, as depicted on the plans, does not exist

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3445, Sam Abram, 15 Bowden Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a deck; Assessor's Plat 33, Lot 111, R-10 District, 15 Bowden Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback and for being within 100' of a wetlands/water body.

Present: Sam Abram, 15 Bowden Avenue, Barrington, RI

In the audience:

Doug Materne, Barrington Conservation Commission

Mr. Abram began by explaining that when he had been before the Board in 2005 he had been seeking relief to expand his kitchen. Now that that project is complete, he would like to construct a deck on the rear of his house. It was clarified that the front yard relief aspect of the application concerns a paper street, and that the deck would be no closer to the "street" than the existing house is. There was some question from the Board as to the distance of the deck, including steps, from the wetlands. Mr. Materne explained that the Conservation Commission had recommended denial of the application because the wetlands were not properly defined; therefore the Conservation Commission could not determine the proposal's impact on the wetland. Mr. Personeus responded that an open deck would have minimal impact on the wetlands, regardless of the setback. After discussion, the Board decided to continue the application, requesting more information from the applicant.

VOTE: Mr. Freel moved to continue this matter to the January 17, 2008 meeting, requesting the following be forwarded to the Board prior to that meeting:

- A clearer site plan, with defined setbacks and the deck projection, including any stairs
- Notation of what the applicant believes to be the wetland's edge, including defining the types of vegetation

Ms. Gennaro seconded the motion and it carried unanimously (5-0).

Review of proposed revised Zoning Board application.

The Board reviewed the proposed changes to the Zoning Board Review Application and they asked Ms. Letendre, with the help of Ms. Carroll, to implement the changes discussed and bring the revised application to the Board for the next meeting. The matter was then continued to the December 20, 2007 meeting.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Freel and seconded by Mr. Personeus to accept the October 18, 2007 Zoning Board of Review minutes as written. The motion was carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Freel moved to adjourn at 10:35 P.M. Mr. Ridlon seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary
Thomas Kraig, Chairman
cc: N. Letendre, Solicitor