

ZONING BOARD OF REVIEW

Barrington, Rhode Island

September 20, 2007

APPLICATIONS: #3417, 3432, 3434, 3436, 3437, 3438, 3439, 3380 – extension of approval, & 3386– extension of approval

MINUTES OF THE MEETING:

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

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

At 7:02 P.M. Mr. Kraig opened the meeting, and proceeded to hear the following matters. At 7:07 P.M. the Board temporarily adjourned in order to hear an appeal of a Planning Board decision; the Board resumed its hearing at 7:10 P.M. At 8:35 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.

Continuation of Application #3417, Claudia Traub-Cooper, 59 Blanding Avenue, Barrington, RI 02806, applicant and owner, for permission to construct 6' x 8' deck; Assessor's Plat 1, Lot 312, R-10 District, 59 Blanding Avenue, Barrington, RI 02806, requiring dimensional variances for front yard setback, side yard setback, and exceeding lot coverage.

There was no one to speak for this application. Mr. Kraig noted that the application had been continued several times before, due to the non-appearance of the applicant, and that the applicant had been sent a letter notifying her that the matter would be heard at the September meeting.

VOTE: Mr. Personeus moved to deny the application without prejudice. Mr. Freel seconded the motion and it carried unanimously (5-0).

Continuation of application #3432, Robert DeHart, 5 Anthony Road, Barrington, RI 02806, applicant, John Schieffelin and Esme DeVault, 35 Spring Avenue, Barrington, RI 02806, owners, for permission to construct a 8' x 12' front porch addition; Assessor's Plat 1, Lot 137, R-10 District, 35 Spring Avenue, Barrington, RI 02806, requiring dimensional relief for front yard and side yard setbacks.

Present: Esme DeVault, 35 Spring Avenue, Barrington, RI
Robert DeHart, 5 Anthony Road, Barrington, RI

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

The following exhibits were submitted to the Board:

- Pictures (6) of existing houses in the neighborhood with similar front yard setbacks

The applicants explained that following the last meeting they had revised the plans for the porch, relocating the stairs and landing to the side of the porch instead of the front. This would create a front yard setback of 5'7", with an additional six-feet of town-owned land before the edge of the street. It was noted that there are several houses in the neighborhood with similar front yard setbacks. Additionally, the large tree on the side of the house would remain.

Mr. Freel abstained from voting due to the fact that he was not present for the initial hearing.

VOTE: Mr. Personeus moved to approve the application. Ms. Carlotto 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 is located close to the street
- The homeowner needs a sheltered front entrance
- The proposal is consistent with the characteristics of the surrounding neighborhood
- The proposed porch is as small as possible while still remaining functional

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.

Continuation of application #3434, Cheryl Ouellette and Daniel Cloutier, 21 Walter Street, Barrington, RI 02806, applicants and owners, for permission to construct a shed; Assessor's Plat 22, Lot 58, R-10 District, 21 Walter Street, Barrington, RI 02806, requiring a dimensional variance for side yard setback and rear yard setback.

Present: Cheryl Ouellette & Daniel Cloutier, 21 Walter Street, Barrington, RI

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

The applicants began by explaining that there has been a shed on the property for many years and they wanted to install a larger one. The shed has been placed in the proposed location due to the existing patio as well as the garden. This location allows for an adequate walkway through the back yard and it sets the shed parallel with the garden fence.

It was noted that the shed will not have any windows; however, due to its proximity to the lot line, if approved the shed will need to have one-hour fire rated walls.

The Board expressed concern about the closeness of the shed to both property lines, and asked if the applicants would be able to shift or rotate the shed. Mr. Cloutier explained that they could not make such changes due to the layout of the yard. The Board noted that it was difficult to determine exact locations and distances to other features on the property due to the fact that the drawings presented to the Board were not drawn to scale and were somewhat difficult to interpret. The applicants asked if they could continue the application, and they were advised that if they did so, it would be useful if they could present the Board with scaled drawings as well as pictures of the site.

VOTE: Mr. Personeus moved to continue the application to the October 18, 2007 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

Nancy Peck, 37 Pleasant Street, Barrington, RI 02806, applicant and owner, for a one-year extension of approval granted to application #3380; Assessor's Plat 2, Lot 144, R-10 District, 37 Pleasant Street, Barrington, RI 02806.

Mr. Kraig noted that he was in receipt of a letter from Ms. Peck requesting a one-year extension of approval due to the fact that they had been unable to secure a contractor.

VOTE: Mr. Carlotto moved to extend the approval of application #3380 to August 31, 2008. Mr. Freel seconded the motion and it carried unanimously (5-0).

Joseph Francis, 175 Poppasquash Road, Bristol, RI 02806, applicant and owner, for a one-year extension of approval granted to application #3386; Assessor's Plat 14, Lot 407, R-25 District, Washington Road, Barrington, RI 02806.

Present: Joseph Francis, 175 Poppasquash Road, Bristol, RI

Mr. Francis explained that he was seeking an extension because his son, who would own the planned house, was currently on reserve military duty; therefore, they had not had the opportunity to move forward on the project.

VOTE: Ms. Carlotto moved to extend the approval of application #3386 to November 6, 2008. Mr. Freel seconded the motion and it carried unanimously (5-0).

Application #3436, Tom Dickinson, 57 Appian Way, Barrington, RI, 02806, applicant and owner, for permission to construct a shed dormer for existing bedroom; Assessor's Plat 4, Lot 63, R-25 District, 57 Appian Way, Barrington, RI 02806, requiring relief for being within 100 feet of a wetlands/waterbody.

Present: Ron Eaton, Capital Building & Design, 585 Milford Road, Swansea, MA

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

Mr. Eaton explained that the homeowners were seeking to expand their second-floor living space by adding two shed dormers. These dormers will be constructed over the existing house and will remain within the footprint of the house.

Mr. Kraig noted that the Conservation Commission has recommended approval of this application.

VOTE: Mr. Freel made a motion to approve the application. Upon a second from Mr. Personeus, the Board voted unanimously (5-0) to grant the application.

DISCUSSION:

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

- The proposal is located 81'4" from the wetlands
- The addition will be no closer to the wetlands than the existing structure, being within the existing footprint
- The applicants require additional space for their family

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 #3437, Thomas Zilian, 2 Pine Cone Drive, Barrington, RI 02806, applicant and owner, for permission to construct a single-car garage; Assessor's Plat 19, Lot 211, R-10 District, 2 Pine Cone Drive, Barrington, RI 02806, requiring dimensional relief for front yard setback and rear yard setback.

Present: Thomas and Lillian Zilian, 2 Pine Cone Drive, Barrington, RI

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

The applicants explained that they currently have a small house that is insufficient for their growing family. They want to convert their existing garage into a family room, thereby creating a need for a new garage. The new one-car garage will be located next to the original garage. The applicants plan on keeping the existing driveway for additional parking; there will be a new driveway that exits onto Joann Drive. The new driveway will be safer than the original driveway due to the fact that they will be backing out onto a less busy street with better visibility.

VOTE: Upon a motion by Ms. Carlotto, with a second by Mr. Freel, the Board voted unanimously (5-0) to approve the application.

DISCUSSION:

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

- The applicant has a growing family and is seeking additional family space
- The size of the proposed garage is modest
- The lot is odd shaped and a corner lot
- There is no other logical place for the addition

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 #3438, Tim Reed, 9 Karen Ann Drive, Bristol, RI 02809, applicant, Carol Gaffney, 22 Sowams Road, Barrington, RI 02806, owner, for permission to modify existing dormer and construct a kitchen addition; Assessor's Plat 27, Lot 81, R-10 District, 22 Sowams Road, Barrington, RI 02806, requiring relief for being within 100 feet of a wetlands/waterbody.

Present: Tim Reed, 9 Karen Ann Drive, Bristol, RI
Carol Gaffney, 22 Sowams Road, Barrington, RI

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

Mr. Kraig noted that the Conservation Commission has recommended approval of the application with the condition that standard erosion controls be used during construction.

The applicants explained that they wanted to modify their existing dormer as the current structure has a flat roof, which is creating a problem with roof leakage. This alteration would remain within the existing footprint. They would also like to construct a six-foot kitchen bump-out in order to expand the small and out-dated kitchen space. All of the setback requirements would be met; the only relief being sought was due to the proximity to the wetlands, which are separated from the house by a road.

VOTE: Mr. Personeus moved to approve the application with the following condition recommended by the Conservation Commission:

- Use of properly constructed and maintained erosion controls during the entire construction period

Ms. Carlotto 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 existing flat roof is leaking
- The proposed dormers are within the existing footprint
- The bump out location is the only possible location
- There is a road separating the wetlands from the house

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 #3439, Christopher A. Soutter, 20 Briarfield Road, Barrington, RI 02806, applicant and owner, for permission to construct detached garage/workshop; Assessor's Plat 26, Lot 321, R-25 District, 20 Briarfield Road, Barrington, RI 02806, requiring a dimensional variance for height of accessory structure.

Present: Christopher A. Soutter, 20 Briarfield Road, Barrington, RI

In the audience:

Ruth Ann Saunders, 7 Blount Circle, Barrington, RI

Mr. Soutter explained that he had been before the Board previously for relief from the side-yard setback requirement. The Board had granted the relief and the project had been completed. However, upon Mr. Speaker's inspection it was determined that the garage had been built to a height of 19'6", which exceeds the 18' limit for accessory structures. The applicant is now seeking relief from the height requirement.

The Board expressed concern that this was the second time that the applicant has come before the Board after having begun or finished work on the project. Mr. Soutter was not able to provide the Board with a clear explanation as to why the building exceeded the planned size. The Board informed Mr. Soutter that they would like to know how the error occurred as well as look at the "As Built" plans. Mr. Soutter requested a continuance in order to provide the Board with these plans and arrange for his contractor to be at the next meeting.

Ms. Saunders noted that she did not object to the height of the garage.

VOTE: Mr. Freel moved to continue the matter to the October 18, 2007 meeting. Mr. Personius seconded the motion and it carried unanimously (5-0).

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Ms. Carlotto and seconded by Mr. Freel to accept the August 16, 2007 Zoning Board of Review minutes with corrections. The motion was carried unanimously (5-0).

A motion was made by Ms. Carlotto and seconded by Mr. Freel to accept the August 16, 2007 Planning Board of Appeals minutes as written. The motion was carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Freel moved to adjourn at 10:40 P.M. Mr. Ridlon seconded the motion and the meeting adjourned.

Respectfully submitted,

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