

# **ZONING BOARD OF REVIEW**

## **Barrington, Rhode Island**

### **April 19, 2007**

**APPLICATIONS: #3404, 3408, 3409, 3410, 3411, 3412, 3413 &3414**

#### **MINUTES OF THE MEETING:**

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

Also present were solicitor Jeanne Scott and Robert Speaker, Building Official.

At 7:02 P.M. Mr. Kraig opened the meeting, which proceeded to hear the following matters. At 8:25 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 #3404, William Conley, 76 Maple Street, Warren, RI 02804, applicant, Jim Mancini, Warren, RI 02804, lessee, for permission to erect additional signage; Assessor's Plat 23, Lot 306, Business District, 280 County Road, Barrington, RI 02806, requiring relief for exceeding the allowable number of signs.**

Present: William Conley, 76 Maple Street, Warren, RI

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

Mr. Conley stated that he was unsure how to proceed with the application without the assistance of his sign maker. Because of this he requested a continuance to the next meeting.

The Board noted that there were several zoning issues that need to be addressed at the location, including additional unauthorized signage, inappropriate outdoor display items and the lack of enclosure for the trash receptacles – the latter two items constituting violations of the zoning approval originally granted to Mr. Conley. Mr. Conley agreed to remove the unauthorized banner sign and the “Jewelers” sign, as well as to correct the outdoor display issues by April 20, 2007. Mr. Conley further agreed to enclose the trash bins by May 2, 2007.

**VOTE:** Mr. Freel moved to continue the application to the May 17, 2007 meeting. Ms. Carlotto seconded the motion and it carried unanimously (5-0).

**Application #3408, Patrick Rainey Jr., 40 Read Avenue, Barrington, RI 02806, applicant and owner, for permission to construct two-story garage addition; Assessor's Plat 1, Lot 427, R-10 District, 40 Read Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback, and exceeding lot coverage.**

Present: Patrick and Lynn Rainey Jr., 40 Read Avenue, Barrington, RI

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

The applicants explained that they have recently blended their families and currently have three children sharing one bedroom. They would like to build a 936 square foot addition that will incorporate 2 more bedrooms and a garage. While they are not coming any closer to the street than the existing house, they need side yard setback zoning relief in order to incorporate the garage. This is the only logical location for this addition. Mr. Bacher noted that he was concerned with the excessive lot coverage – that this would be too much house for the lot; the applicants replied that there were other houses in the area of similar size. The applicants also noted that the area that the addition would be built on was driveway, not green space. The applicants also said that they have spoken with the neighbor on the side who would be most affected, who has no objections.

**VOTE:** Mr. Freel moved to approve the application. Mr. Personeus seconded the motion and the Board voted 4-1 to grant the application, with Mr. Bacher dissenting.

**DISCUSSION:**

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

- The lot coverage is not out of character with the other homes in the neighborhood
- The existing house is a very small house on a very small lot
- The family has grown
- The proposal is not excessive
- There were no objectors to speak against the application

Mr. Bacher stated he opposed the application for the following reasons:

- The lot coverage is excessive
- There may be a negative impact on the surrounding neighborhood
- There is the potential for development across the street, creating even greater massing in the area

**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 #3409, Geoffrey and Teresita Hamilton, 18 Hampden Street, Barrington, RI 02806, applicants and owners, for permission to construct addition; Assessor's Plat 27, Lot 106, R-25 District, 18 Hampden Street, Barrington, RI 02806, requiring a dimensional variance for side yard setback.**

Mr. Kraig read into the record a letter from the applicant, Geoffrey Hamilton, requesting this matter be withdrawn.

**Application #3410, Todd and Carolyn McGarry, 5 Windward Drive, Barrington, RI 02806, applicants and owners, for permission to construct addition, porch and garage; Assessor's Plat 26, Lot 296, R-25 District, 5 Windward Drive, Barrington, RI 02806, requiring a dimensional variance for front yard setback.**

Present: Todd McGarry, 5 Windward Drive, Barrington, RI

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

Mr. McGarry explained that they would like to add a dormer addition in order to create a second bathroom for their home. This bathroom will be off of the master bedroom, which is located on the front of the house. He would also like to expand the garage – which is currently too small to accommodate two cars - and create a front porch under the bathroom dormer addition. Expansion of the garage to the front of the house makes sense both aesthetically and because an addition to the rear would block light to the family room, located at the back of the house. He noted that the four corners of the house are within the required setback, but because of the shape of the street – a turnaround circle in front of this house - his lot curves in, thereby creating the setback issue.

Mr. Kraig noted he was in receipt of a letter from Luther Spoehr supporting the application.

**VOTE:** Upon a motion by Mr. Personeus, with a second by Ms. Carlotto, 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:

- These are the most logical locations for the additions
- If the garage addition were placed on the rear of the house, it would create significant darkening in the family room

**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 #3411, Capitol Building & Design, 585 Milford Road, Swansea, MA 02777, applicant, David and Denise Smith, 241 Rumstick Road, Barrington, RI 02806, owners, for permission to demolish existing garage, construct new barn and new screened porch; Assessor's Plat 10, Lot 12, R-40 District, 241 Rumstick Road, Barrington, RI 02806, requiring dimensional relief for side yard setback and for the height of the barn.**

Mr. Kraig read into the record a letter from the applicant requesting the matter be continued to the May meeting.

**VOTE:** Mr. Personeus moved to continue the application to the May 17, 2007 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

**Application #3412, Daniel and Melissa Horne, 45 Appian Way, Barrington, RI 02806, applicants and owners, for permission to construct 470 square-foot addition, a 72 square-foot terrace, a 90 square-foot covered porch, and complete cosmetic exterior renovations; Assessor's Plat 4, Lot 66, R-25 District, 45 Appian Way, Barrington, RI 02806, requiring relief for side yard setback as well as being within 100 feet of a wetlands/water body.**

Present: Melissa Horne, 45 Appian Way, Barrington, RI

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

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

Ms. Horne explained that she would like to construct a 470 square foot addition to the house, reconfigure the entryway and add a covered porch. The added space would be used for a bedroom and an office. The addition will continue the line of an existing wall – which is closer to the side yard line than permitted by the ordinance - and being on the side of the house away from the water body, will not further infringe on the wetlands. The location for the addition was selected to minimize the impact on the surrounding area.

**VOTE:** Ms. Carlotto moved to approve the application with the conditions stipulated by the Conservation Commission:  
➤ Erosions controls must be in place during construction  
Mr. Freel seconded the motion and it passed unanimously (5-0).

#### **DISCUSSION:**

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

- This is the most logical location for the addition
- The closest distance of the proposed addition from the water body – 84' - is an existing condition
- There were no objectors to the application

**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 #3413, Barry and Ronnie Newman, 20 Tiffany Circle, Barrington, RI 02806, applicants and owners, for permission to construct a sunroom addition and a deck; Assessor's Plat 21, Lot 69, R-25 District, 20 Tiffany Circle, Barrington, RI 02806, requiring relief for being within 100 feet of a wetlands/water body and for being within 100 feet of the wetlands overly district.**

Present: Barry and Ronnie Newman, 20 Tiffany Circle, Barrington, RI

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

The following items were entered as exhibits:

- Pictures of existing conditions

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

The applicants explained that they would like to construct a sunroom to connect the kitchen with the deck so that they can enjoy the water view in their backyard. The structure will be 72 feet from the wetland area, several feet closer than the existing house is on that side, but not as close as the other side of the house is to the wetland on the far side.

**VOTE:** Ms. Carlotto, with a second by Mr. Personeus, moved to approve the application with the conditions suggested by the Conservation Commission:

- Erosion controls must be in place during construction

The Board voted 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 proposed addition is modest
- The impact will be minimal
- To achieve the desired effect of the sunroom – enjoyment of the view of the pond – the sunroom must be in the proposed location
- The existing house is already very close to the wetland - this addition will not be significantly closer

**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 #3414, Barrington Christian Academy, 9 Old County Road, Barrington, RI 02806, applicant, Barrington Baptist Church, 36 Old County Road, Barrington, RI 02806, owner, for permission to construct addition; Assessor's Plat 16, Lots 13, 48, and 190, R-25 District, 9 Old County Road, Barrington, RI 02806, requiring a special use permit for special exception use (school in residential zone) and relief from parking requirement.**

Present: Jessica Coyle, Ed Wojcik Architects, 1 Richmond Square, Providence, RI  
Elsie Wright, John Mentis & Gale Carle, Barrington Christian Academy, 9 Old County Road, Barrington, RI  
Paul Baynon, Traffic Engineer, Baynon Engineering

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

Ms. Coyle explained that they are proposing an 8,100 square-foot addition that would provide space for four classrooms, a music room, a lounge, a library and office space. She said the proposed addition has been located in an area to the rear of the existing buildings that would create the least impact on the surrounding area, noting that it would not be visible from the street. No new paved areas have been proposed, and the roof drainage will be contained in an underground storm drain system.

Ms. Coyle explained that the school and the church are two different uses that operate at different times, and there would be adequate parking for school needs, even with the additional building. There would be two to three special events each year that would require overflow parking, but that overflow could be contained in the grassy area, or they can work out an agreement with the East Bay Mental Heath Center.

It was noted that the Administrative Subdivision plan had not yet been recorded into the Land Evidence Records.

**VOTE:** Mr. Freel made a motion to grant the application with the following condition:  
➤ The applicant must comply with the Planning Board's request to have the Administrative Subdivision recorded into the Land Evidence records  
Mr. Personeus 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 location of the addition will have little impact on the surrounding area
- The application meets the standards for a Special Use Permit
- The applicant has provided a through water drainage plan
- The increase will not be excessive, nor will there be the creation of any excessive noise
- There will be a beneficial use to the community, since additional school facilities are of benefit
- Granting parking relief would be beneficial – it would be preferable not to remove green space for parking that would be used two or three times a year

**REASON FOR DECISION:**

It was the judgment of the Board that the standards for a Special Use Permit set forth in Section § 185-73 have been met: A) The public convenience and welfare will be substantially served. B) It will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan. C) It will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community. D) It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Further more, because of the expansion of use, the applicant has met the Standards of Use set forth in §185-74: A) That it will not result in the creation of or increase in any undesirable impacts related to the use, such as excessive noise, traffic and waste generation. B) That the general visual appearance of the nonconforming use shall not be altered in a way so as to heighten or make more apparent its nonconformity and, where possible, shall be improved so as to be more consistent with the surrounding area. C) That it will not have a negative impact on the natural environment or on any historic or cultural resource. D) That the resulting nonconforming use will be a beneficial use to the community.

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Personeus and seconded by Ms. Carlotto to accept the March 15, 2007 Zoning Board of Review minutes with corrections. The motion was carried unanimously.

**ADJOURN:**

There being no other business, Mr. Personeus moved to adjourn at 9:05 P.M. Ms. Carlotto seconded the motion and the meeting adjourned.

Respectfully submitted,

Valerie Carroll, Secretary  
Thomas Kraig, Chairman  
cc: J. Scott, Solicitor