

# ZONING BOARD OF REVIEW

Barrington, Rhode Island

January 18, 2007

**APPLICATIONS: #3358, 3363, 3328 (extension), 3394, 3395, 3396 and 3397**

## MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Lawrence Bacher, Mark Freel, Neal Personeus and Ian Ridlon. Gale Gennaro arrived at 7:18 P.M.

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

At 7:08 P.M. Mr. Kraig opened the meeting, which proceeded to hear the following matters. At 8:30 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.

Before the applications began, Mr. Personeus nominated Mr. Kraig for the position of Chairman for the 2007 term. Mr. Bacher seconded the motion and the Board unanimously (5-0) elected Mr. Kraig as Chairman.

**Continuance of application #3358, David Robbins Tien, 14 Seaview Drive, Barrington, RI 02806 applicant and owner, for permission for grading and tree removal in order to construct a tennis court with 9-foot fencing on three sides; Assessor's Plat 30, Lot 288, R-25 District, 14 Seaview Drive, Barrington, RI 02806, requiring a variance for being within 100 feet of a wetlands overlay district and a variance for a fence height of nine feet.**

Mr. Kraig read into the record a letter from the applicant requesting this application be withdrawn.

**VOTE:** Mr. Personeus moved to permit withdrawal of this application. Mr. Freel seconded the motion and it carried unanimously (5-0).

**Continuance of application #3363, Montessori Centre of Barrington, Inc, 303 Sowams Road, Barrington, RI 02806, applicant, Montessori Centre of Barrington, LLC 303 Sowams Road, Barrington, RI 02806, owner, for permission to expand Day Care/Private School to second floor of existing building; Assessor's Plat 30, Lot 64, Neighborhood Business Zone, 303 Sowams Road, Barrington, RI 02806, requiring an expansion of the special use permit.**

Mr. Kraig read into the record a letter from the applicant's attorney requesting this matter be withdrawn without prejudice.

**VOTE:** Mr. Freel moved to permit withdrawal of this application without prejudice. Upon a second from Mr. Personeus, the motion carried unanimously (5-0).

**Dennis and Stacie McLaughlin, 2 Surrey Road, Barrington, RI 02806, applicants and owners, for a one-year extension of approval granted to application #3328; Assessor's Plat 23, Lot 370, R-25 District, 2 Surrey Road, Barrington, RI 02806.**

Mr. Kraig read into the record a letter from the applicant requesting the approval be extended for one year, as their contractor has not yet been able to start this job.

**VOTE:** Mr. Personeus moved to grant a one-year extension of approval to February 6, 2008. Mr. Freel seconded the motion and it carried unanimously (5-0).

At this point Ms. Gennaro joined the meeting and heard and voted on the remaining matters before the Board; Mr. Ridlon had heard and voted on the first several matters decided by the Board.

**Application #3394, Jack Dunn, 28 Meadowbrook Drive, Barrington, RI 02806, applicant and owner, for permission to construct a 13' x 21' garage; Assessor's Plat 32, Lot 476, R-25 District, 28 Meadowbrook Drive, Barrington, RI 02806, requiring a variance for exceeding lot coverage and for exceeding setback requirement.**

Present: Jack Dunn, 28 Meadowbrook Drive, Barrington, RI  
Lorenzo Lucas, Architect, 4 Tallwood Drive, Barrington, RI

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

The applicant explained that they wanted to expand the existing two-car garage to a three-car garage in order to house the family's three cars, thereby eliminating the need to sometimes park one of the cars on the road in front of the house. Mr. Dunn also stated that the current two-car garage was too small to be adequate for both cars to park comfortably. The relief the applicant was seeking would result in a twelve-foot side yard setback.

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

**DISCUSSION:**

The Board members stated that they were denying the application for the following reasons:

- The applicant did not prove an adequate need, as other, less intrusive options were available
- There are no other three-car garages in the neighborhood, nor would it be in character with the neighborhood
- The addition of a three-car garage would have a negative impact on the surrounding area

**REASON FOR DECISION:**

It was the judgment of the Board that the following sections of the standards in Section §185-69 have NOT been met: 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 NOT been met because the

applicant has not proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

**Application #3395, David and Jennifer Boland, 348 Rumstick Road, Barrington, RI 02806, applicants and owners, for permission to demolish existing garage, family room and second story to construct new second story as well as a new addition; Assessor's Plat 11, Lot 40, R-40 District, 348 Rumstick Road, Barrington, RI 02806, requiring a dimensional variance for front yard and side yard setbacks.**

Present: David and Jennifer Boland, 348 Rumstick Road, Barrington, RI  
Mary Brewster, architect - Brewster Thornton Group, 150 Chestnut Street, Providence, RI  
Patrick Connors, architect - Brewster Thornton Group, 150 Chestnut Street, Providence, RI

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

The following items were submitted as exhibits:

- Structural engineering report for existing house
- Petition of support from surrounding neighbors

The applicants explained that their family is growing and they need more space to meet their needs. They are proposing to change the existing structure from a cape-style house to a shingle-style house by expanding the dimensions of the second floor and adding approximately two feet to the east, front side of the house. The existing house currently infringes on the front yard setback, and the proposed structure will slightly increase that infringement; with the exception of the proposed porch, the proposed changes will bring the entire body of the house up to the setback line of the existing house. There is a proposed front door porch that will extend approximately one and one-half foot beyond the line of the existing porch. With the exceptions noted above, they will be keeping the existing footprint, and should not need to demolish the entire house

The proposed garage would be set back from the road to provide more play area for the children. The proposed location was also selected to avoid blocking the views toward the back yard and to avoid creating a difficult turn to enter / exit the garage. The proposed garage would create a new infringement on the side yard setback – the existing garage is right up to the setback line, and the proposed garage would be approximately ten feet closer to the side yard line. The Board expressed concern with the location of the garage and the impact it would have on the side yard setback. The Board suggested the possibility of alternate locations or positions for the garage. Ms. Brewster requested that the Board consider the application as two parts - the house addition and the garage, and then requested to withdraw the garage portion of the application without prejudice.

**VOTE (1):** Mr. Freel moved to permit the withdrawal of the garage portion of the application without prejudice. Mr. Personeus seconded the motion and it carried unanimously (5-0).

**VOTE (2):** Mr. Freel moved to approve the home addition portion of the application. 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 house additions / changes for the following reasons:

- The house is located at one end of a large lot; therefore, the applicants have limited options for configuring additions
- The proposal is consistent with the surrounding area
- The proposal will bring the house only two feet closer to the road
- The applicants have proven a need for the increased space
- The applicants plan on using the existing foundation

**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 #3396, Alex and Nina Robertson, 9 Elm Lane, Barrington, RI 02806, applicants and owners, for permission to construct a second floor addition and enlarge the existing garage; Assessor's Plat 5, Lot 58, R-40 District, 9 Elm Lane, Barrington, RI 02806, requiring a dimensional variance for side yard setback.**

Present: Alex Robertson, 9 Elm Lane, Barrington, RI

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

The following item was submitted as an exhibit:

- Letter of support from an abutting neighbor

Mr. Robertson explained that he wanted to expand his existing garage, as the current garage is too small to allow the car doors to open fully. The existing garage was built at the setback line, and the proposed expansion would infringe upon the setback by two feet. There are shrubs along the property line that will lessen the impact on the neighbors.

**VOTE:** Upon a motion by Mr. Bacher, with a second by Mr. Personeus, 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 building, as it exists, is set at one end of the lot

- Any alternative location for the garage would be impracticable
- The proposal is not inconsistent with the other homes in the neighborhood
- The requested relief is the least necessary to accomplish a justified need – making the garage fully usable

**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 #3397, Wade Cordy, 55 Annawamscutt Road, Barrington, RI 02806, applicant, Vered Bar, 55 Annawamscutt Road, Barrington, RI 02806, owner, for permission to create handicap ramp, parking sign, landscaping and interior renovations; Assessor’s Plat 19, Lot 51, Neighborhood Business District, 496 Maple Avenue, Barrington, RI 02806, requiring a special use permit for a veterinary clinic.**

Present: Wade Cordy, 55 Annawamscutt Road, Barrington, RI

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

Mr. Cordy explained that he and his wife, Vered Bar, had recently purchased the building at 496 Maple Avenue and they wanted to relocate their existing veterinary practice from space they leased at 286 Maple Avenue to this building. The Board informed Mr. Cordy that his application would first need to be reviewed by the Technical Review Committee and the Planning Board before the Zoning Board could take action. Mr. Cordy requested the application be withdrawn without prejudice.

**VOTE:** Mr. Freel moved to allow withdrawal of the application without prejudice. Mr. Bacher seconded the motion and it carried unanimously (5-0).

**Discussion – Zoning Board Rules of Procedures**

Upon reviewing the proposed Zoning Board Rules of Procedures, the Board discussed changes, directing the Solicitor and the Secretary to draft a revision with the discussed changes. The Board will continue the discussion of this matter at the February 15, 2007 meeting.

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Bacher and seconded by Mr. Personeus to accept the December 21, 2006 Planning Board of Appeal minutes as written. The motion carried unanimously. A motion was made by Mr. Personeus to approve the December 21, 2006 Zoning Board of Review minutes with changes. Mr. Bacher seconded the motion and it carried unanimously.

**ADJOURN:**

There being no other business, Mr. Personeus moved to adjourn at 10:12 P.M. Mr. Bacher seconded the motion and the meeting adjourned.

Respectfully submitted,

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