

# ZONING BOARD OF REVIEW

## Barrington, Rhode Island

### NOVEMBER 19, 2009

**APPLICATIONS: #3548, 3549, 3550, 3551 & 3552**

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

At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Mark Freel, Ian Ridlon, David Rizzolo and Stephen Venuti.

Also present was solicitor Nancy Letendre.

At 7:07 P.M. Mr. Kraig opened the meeting and swore in new members Paul Blasbalg and Peter Dennehy. The Board then proceeded to hear the following matters. At 8:05 P.M. the public participation portion of the meeting was closed.

Ms. Letendre reviewed Senate Bill S0754Aaa, which together with House Bill H5886A, were passed by the General Assembly in special session and signed by the Governor on Tuesday, November 10, 2009. Ms. Letendre explained that the bills 'toll' all approvals and permits under Subdivision, Zoning, RIDEM and CRMC which were in effect as of the date of the legislation, until June 30, 2011, essentially extending all approval periods for an additional year.

At 8:10 PM the Board proceeded to deliberate and vote on the applications it had heard.

**Application #3548, Lisa Narcisi and Robert Stewart, 77 Anoka Avenue, Barrington, RI 02806, applicants and owners, for permission to construct a second-story addition; Assessor's Plat 23, Lot 130, R-10 District, 77 Anoka Avenue, Barrington, RI 02806, requiring a dimensional variance for front yard and side yard setbacks.**

Present: Lisa Narcisi and Robert Stewart, 77 Anoka Avenue, Barrington, RI  
Silvano Mastrogiuseppe, architect, 692 Unions Avenue, Providence, RI

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

The applicants explained that Ms. Narcisi and her family live in a single-store cape-style house, with approximately 750 square feet of living space. Their family is expanding and they are seeking to create much-needed space. They wish to construct a second-story addition, noting that the front yard setback will not be encroached upon any more than it already is encroached upon. The total living space proposed would be 1600 square feet.

The applicants are seeking a six-inch additional encroachment on the east side yard in order to create a more functional space in the east side bedroom, and as developed during discussion, to create a more functional interior layout and permit certain features that would not be feasible with less space. Mr. Rizzolo raised the possibility of shifting the floor plan in order to eliminate the need for the additional six-inch encroachment on the side yard setback. The applicants felt that the plans they presented were the best possible configuration for their needs.

Ms. Narcisi noted that she had spoken with the neighbor most affected by the proposal and they had no objections.

**VOTE:** Upon a motion by Mr. Freel, with a second by Mr. Ridlon, the Board voted 4-1 to approve the application, with Mr. Rizzolo dissenting.

**DISCUSSION:**

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

- The request was modest - a six-inch encroachment was reasonable
- There would be no major visual impact upon the neighborhood
- Shifting one item as would be necessary if the six inch space to the side of the proposed addition were eliminated, it would create a “domino effect” in both the proposed space as well as the existing space, creating an unnecessary burden upon the home owner
- The existing house is very small, the owner’s family is growing, and additional space is needed

Mr. Rizzolo stated he was opposed to approving the application for the following reasons:

- There is potential for other designs for the space
- The proposal is not technically the least relief necessary

**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 #3549, Peter and Sara Kelley, 90 Hamilton Avenue, Barrington, RI 02806, applicants and owners, for permission to construct shed; Assessor’s Plat 23, Lot 53, R-10 District, 90 Hamilton Avenue, Barrington, RI 02806, requiring a dimensional variance for side yard setback.**

Present: Peter Kelley, 90 Hamilton Avenue, Barrington, RI

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

Mr. Kelly explained that he is seeking to gain additional storage space for his small bungalow, noting that he does not have a garage. There is an existing concrete pad, where at one time there was a garage. He is seeking to construct a post and beam shed on the existing pad. Mr. Kelly noted that he had spoken with his neighbors about his proposal and no one had any objections.

**VOTE:** Mr. Ridlon moved to approve the application. With a second by Mr. Freel, the Board unanimously (5-0) voted to grant the application.

**DISCUSSION:**

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

- The lot is modest in size and irregular in shape
- Due to the existing driveway and concrete slab, the proposed location is the most logical location for the structure

- There will be no adverse impact on the surrounding neighborhood – the neighbor to the side closest to the proposed shed is a commercial operation
- The proposed structure has a smaller footprint than the original structure/pad

**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 #3550, John Perry, 47 Roosevelt Avenue, Bristol, RI 02809, applicant, Joseph Ruggiero, 1 Nayatt Point, Barrington, RI 02806, owner, Wade Cordy, Cove Haven Marina, Barrington, RI, 02806, Lessee, for permission to construct interior renovations at Veterinarian Hospital; Assessor’s Plat 22, Lot 678, Neighborhood Business District, 286 Maple Avenue, Barrington, RI 02806, requiring relief for expansion of Special Use Permit.**

Present: John Perry, 47 Roosevelt Avenue, Bristol, RI

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

Mr. Perry opened by explaining that the existing veterinarian clinic on Maple Avenue was seeking to expand the practice into the adjoining space, which had been previously occupied by a hair salon. This expansion would allow for additional exam rooms as well as increase space in the waiting area so that dogs may be separated if needed. There would be no increase in staff; the parking space in front of the area proposed to be occupied would be more than adequate for the expanded use. The neighboring tenant has no expressed any objections, and it was noted that the wall between the space proposed to be occupied and the adjacent tenant had been constructed as an exterior wall, cutting down on potential noise issues.

**VOTE:** Mr. Freel, with a second from Mr. Venuti, moved to approve the application for a Special Use Permit. The Board unanimously (5-0) approved the motion.

**DISCUSSION:**

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

- The applicant is seeking to expand an existing use
- The business is already an active and successful business, providing services of benefit to the town, and in an existing space
- There will be no increased negative impact on the surrounding area

**REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section §185-73 have been met: That 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 and D) It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

**Application #3551, James and Pamela Nestell, 371 Maple Avenue, Barrington, RI 02806, for permission to increase height of existing roof/dormer; Assessor's Plat 22, Lot 37, Neighborhood Business Zone, 371 Maple Avenue, Barrington, RI 02806, requiring dimensional relief for side yard setback.**

Present: James and Pamela Nestell, 371 Maple Avenue, Barrington, RI  
Robert Stillings, architect, 2 Connor Lance, Barrington, RI

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

The applicants explained that in 2006 they had received Zoning Board approval for a project; however, the approval had expired before they had the opportunity to begin the project. They have returned to the Board for approval, having reconfigured the plans. They are seeking to increase space and safety in the bedrooms by raising the roof and create a new family room on the first floor. The addition will follow the line of the existing house and will not encroach closer to the side yard than the existing house does.

**VOTE:** Mr. Venuti moved to grant the application. Mr. Freel 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 proposed location is the most logical location for the addition; to move it farther from the side yard would have major negative impacts on the integration of the addition and the existing house layout.
- The addition will not increase the existing non-conformance
- The windows along the wall will create architectural interest

**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 #3552, Janice Lee Kelly, 295 Narragansett Avenue, Barrington, RI 02806, for permission to construct deck; Assessor's Plat 1, Lot 288, R-10 District, 295 Narragansett Avenue, Barrington, RI 02806, requiring dimensional relief for side yard setback.**

Present: Janice Lee Kelly, 295 Narragansett Avenue, Barrington, RI

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

Ms. Kelly began by explaining that she was utilizing her garage for storage, and had placed French doors on the front of the structure. She had installed the deck to function as a step; not realizing it would require a building permit or zoning relief. She spoke to her immediate neighbor and they did not have any objection to the deck.

**VOTE:** Mr. Ridlon moved to approve the application. Upon a second by Mr. Venuti, 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 garage is where it is, and entrance steps properly go in front of it
- The deck/step is needed for safety, and is an aesthetic improvement to the property
- It is no wider than the existing garage structure

**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.

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Freel and seconded by Mr. Venuti to accept the September 17, 2009 Zoning Board of Review minutes with changes. The motion carried unanimously (5-0).

A motion was made by Mr. Venuti and seconded by Mr. Freel to accept the September 21, 2009 Zoning Board of Review special meeting minutes as written. The motion carried 3-0, with Mr. Rizzolo and Mr. Ridlon abstaining.

**ADJOURN:**

There being no other business, Mr. Ridlon moved to adjourn at 8:41 P.M. Mr. Freel seconded the motion and the meeting was adjourned.

Respectfully submitted,

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