

# ZONING BOARD OF REVIEW

Barrington, Rhode Island

March 26, 2009

**APPLICATIONS: #3509, 3513, 3518, 3519 and 3520**

## MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Larry Bacher, Mark Freel, Neal Personeus, Ian Ridlon and David Rizzolo.

Also present were Building Official Robert Speaker and solicitor Andy Teitz.

At 7:05 P.M. Mr. Kraig opened the meeting. At 7:15 P.M. the Zoning Board of Review meeting was temporarily adjourned to permit the members to sit as the Planning Board of Appeals. At 9:50 P.M. the Zoning Board of Review was reopened and the Board proceeded to hear the following matters. At 10:22 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 #3509, Lorenzo Lucas Architect, 4 Tallwood Drive, Barrington, RI, 02806 applicant, Chris Cuzzone, 261 Lincoln Avenue, Barrington, RI 02806, owner, for permission to construct a single-family house; Assessor's Plat 5, Lot 72, R-40 District, 2 Lighthouse Lane, Barrington, RI 02806, requiring a variance being within 100 feet of the wetlands and the wetlands overlay district, and as amended with the continuance, for front yard setbacks.**

*Before this matter began, Mr. Rizzolo recused himself.*

Present: Lorenzo Lucas, architect, 4 Tallwood Drive, Barrington, RI  
Chris Cuzzone, 261 Lincoln Avenue, Barrington, RI

In the audience:  
Peter Kriz, Conservation Commission

The applicants explained that they have revised their plans in accordance with the opinions expressed by members of the Board at the original meeting. The footprint of the house has been moved closer to Washington Road, in order to move it further from the wetlands area. The overall size of the house has also been reduced to 2,500 square feet. The applicants also stated that they are willing to implement the conditions recommended by the Conservation Commission in its recommendation to the Board. It was also noted that they would need to go through CRMC to obtain approval for creation of a trail to the water.

**VOTE:** Mr. Freel moved to approve the application with the following conditions:  
➤ Implementation of erosion control measures during construction  
➤ Minimal disturbance (during and after construction) to vegetation between back of house and water, except as required by CRMC

- Approval of the proposed pervious natural trail to the water will be subject CRMC approval requirements

Mr. Ridlon 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 applicants responded to the concerns of the Zoning Board and the Conservation Commission by moving the structure and reducing its overall size
- The need for front yard relief was due to the fact that the structure was moved to reduce its impact on the wetlands
- The location / topography of the property is such that a house can be built only with the granting of relief in one or more respects, and the proposed plan is the one most suitable to this property

### **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 #3513, Jason Piette, 15 Edgewood Drive, Barrington, RI 02806, applicant and lessee, Stephen and Kelly Crawford, 17 Chapman Lane, Barrington, RI 02806, owners, for permission to open a day care center; Assessor's Plat 34, Lot 155, R-10 District, 50 Martin Avenue, Barrington, RI 02806, requiring a Special Use Permit as well as relief for a six-foot fence within 30 feet of a roadway.**

Mr. Kraig read a letter from the applicant requesting this matter be withdrawn without prejudice.

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

**Application #3518, Michael Bedard, 303 Narragansett Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a bedroom and bathroom addition; Assessor's Plat 1, Lot 286, R-10 District, 303 Narragansett Avenue, Barrington, RI 02806, requiring a dimensional variance for front yard setback.**

Present: Michael Bedard, 303 Narragansett Avenue, Barrington, RI

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

Mr. Bedard explained that they are seeking to build a second floor addition within the existing footprint. They require relief for that addition since the existing house is 5'3" from the front property line. Additionally, he would like to build a roof overhang over the front door, covering the existing front steps and extending slightly beyond the steps, which would place the overhang 1'3" from the property line; however, there is additional footage from the property line to the street. The overhang would provide protection from the weather for those entering, and it would provide architectural interest to the front of the house.

The Board asked Mr. Bedard if he would be open to reducing the size of the overhang by one foot, thereby reducing the encroachment on the lot line by one foot as well. Mr. Bedard said he would be willing to do so.

**VOTE:** Mr. Bacher moved to approve the application with the following condition:  
➤ The porch overhang shall not extend any closer than 2'3" to the front property line  
Upon Mr. Freel's second, the Board voted 4-1 to approve the application, with Mr. Kraig dissenting.

**DISCUSSION:**

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

- The lot is very small and the house is already located very close to the street; the main portion of the addition is within the existing footprint
- The proposal is within the general characteristics of the neighborhood; other houses in the area are also very close to the street / property line, although the front door overhang would be closer than the neighboring houses

Mr. Kraig stated that he was in favor of the application insofar as it relates to the addition within the existing footprint, but is opposed to approving relief for the front door overhang for the following reasons:

- The overhang would be located too close to the street – while the existing steps are even closer to the property line, in his opinion the overhang will have a greater visual impact on the neighborhood than do the steps, which have a very low profile, and he felt that even at 2'3" from the property line, it is too close

**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 #3519, Mark and Janelle Wong, 21 Samoset Avenue, Barrington, RI 02806, applicants and owners, for permission to demolish existing garage and construct an attached garage and addition; Assessor's Plat 33, Lot 85, R-10 District, 21 Samoset Avenue, Barrington, RI 02806, requiring dimensional relief for rear yard setback, setback from Samoset Avenue and exceeding lot coverage.**

Present: Mark and Janelle Wong, 21 Samoset Avenue, Barrington, RI

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

The applicants explained that their existing garage was in disrepair; therefore, they are seeking to demolish the garage and build a new one attached to their house. Additionally, they would like to add a second story to the garage in order to provide more space for their family. They noted that the garage will not be any closer to the rear setback than the existing garage has been – 3'4"; however, in moving the garage closer to the house, they will be making it farther from the side yard and reducing the impact of the garage on the neighbor. Mr. Kraig expressed concern with a two-story structure so close to the property line – the second story will have a potentially greater impact on the neighboring property than does the existing low profile garage. The applicants explained that they had spoken to the neighbors who would be most affected by the change and they were in support of the proposal; the area immediately behind the proposed new garage is open space.

**VOTE:** Mr. Bacher moved to approve the application. Mr. Personeus seconded the motion and the Board unanimously (5-0) granted the application.

**DISCUSSION:**

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

- The lot is very small, limiting the area to work in
- The overall mass of the proposal is consistent with the other homes in the neighborhood
- Relocating the garage creates more space on the side yard
- The relocated garage will be no closer to the property line than is the existing garage
- The proposal improves the property's overall impact on the neighborhood

**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 #3520, Roger Miller, 350 Sharon Park Drive, H150, Menlo Park, CA 94025, applicant, Alfred Farina and Vincent Farina Jr., 4 Nayatt Point Court, Barrington, RI 02806, owners, for permission to demolish existing single-family home and construct new single-family home; Assessor's Plat 5, Lot 112, R-40 District, 4 Nayatt Point Court, Barrington, RI 02806, requiring relief for front yard setback as well as being within 100 feet of a wetlands/waterbody.**

Present: Joelle Sylvia, attorney for the applicant, DeSisto & Feodoroff, 450 Veterans Memorial Parkway, Suite 10, East Providence, RI

Ms. Sylvia requested a continuance to the April 16, 2009 meeting.

**VOTE:** Mr. Ridlon moved to continue the application to the April 16, 2009 meeting. Mr. Freel seconded the motion and it carried unanimously (5-0).

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Freel and seconded by Mr. Ridlon to accept the February 19, 2009 Zoning Board of Appeals minutes with changes. The motion carried unanimously (5-0).

**DISCUSSION ITEM:**

**Proposed Ordinance revisions regarding Demolitions. Referred to Zoning Board for comments by the Town Council.**

The Board felt that the nine square foot requirement was too restrictive. The consensus was that secondary structures probably should not be covered at all. Additionally, the sense of the Board was that the Ordinance would do little, if anything, to stop teardowns; therefore they questioned the need for an additional demolition ordinance, since there currently are standards in the State Building Code that regulate demolition procedures.

**ADJOURN:**

There being no other business, Mr. Freel moved to adjourn at 10:50 P.M. Mr. Ridlon seconded the motion and the meeting was adjourned.

Respectfully submitted,

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