

ZONING BOARD OF REVIEW

Barrington, Rhode Island

MAY 20, 2010

APPLICATION: #3569, 3570, 3571 & 3572

MINUTES OF THE MEETING:

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

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

At 7:03 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 8:46 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.

Application #3569, Laurie and Nicholas Ward, 68 Adams Point Road, Barrington, RI 02806, applicants and owners, for permission to change a flat roof section to a gable roof; Assessor's Plat 26, Lot 15, R-25 District, 68 Adams Point Road, Barrington, RI 02806, requiring a dimensional variance for side yard setback.

Present: Laurie and Nicholas Ward, 68 Adams Point Road, Barrington, RI
Scott Weymouth, architect, 14 Imperial Place, Providence, RI

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

The following items were submitted as exhibits:

- Letter in support of the proposal from Mr. & Mrs. Deal
- Pictures of existing conditions

The applicants explained that they are in the process of doing interior renovations and have found that the ceiling height in part of the house under renovation is currently 7', as opposed to the required 7'6". They are seeking to change the existing flat roof to a gabled roof, matching the garage roof. This will give them a height of 7'6".

The existing house is .9' from the lot line; the portion of the house where the applicants propose to raise the roof will not be going any closer to the lot line than the current footprint. The portion of the house that is the subject of the application is not visible from the street, and barely visible from any neighboring homes. In the portion of Adams Point Road where the property is located, there are a number of oddly sized or shaped lots.

MOTION: Upon a motion by Mr. Rizzolo, with a second by Mr. Blasbalg, the Board unanimously (5-0) moved to grant the application.

DISCUSSION:

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

- There will be no change to the footprint
- The new roof height is needed to comply with Building Code regulations
- The proposed change will not be visible to the surrounding area
- The proposed change is in keeping with the surrounding 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 #3570, Carolan Guck, 52A County Road, Barrington, RI 02806, applicant and owner, for permission to construct a roof over existing deck; Assessor's Plat 27, Lot 65, R-10 District, 52A County Road, Barrington, RI 02806, requiring a Special Use Permit for non-conforming use.

Present: Carolan Guck, 52A County Road, Barrington, RI

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

Ms. Guck explained that currently there is a two-story deck at her home, with the lower deck screened in. She has found that she does not utilize the upper deck, and due to the deck floor, it does not provide the lower deck with adequate protection from the elements. She would like to remove the upper deck and replace it with a shingled roof. She would also like to remove the door to the upper deck and replace it with a window. It was noted that she does not require any dimensional relief for the project; she is before the Board because there are two houses that share the same lot.

MOTION: Mr. Blasbalg made a motion to approve the application. Mr. Freel seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- There were no objectors to the proposal
- The only people affected by the proposed changes would be the residences sharing the lot
- The relief being sought is due to the unique condition of the 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.

Application #3571, Champe Speidel, 70 Coomer Avenue, Warren, RI 02885, applicant, Prince's Hill Realty, LLC, 144 Westminster Street, Providence, RI 02903, owner, for permission to open a fresh meat market; Assessor's Plat 23, Lot 7, Business District, 338D County Road, Barrington, RI 02806, requiring a Special Use Permit.

Present: Champe Speidel, 70 Coomer Avenue, Warren, RI

In the audience: Ellen Dessloch, 36 Cady Road, Barrington, RI

Before the matter began, Mr. Rizzolo disclosed that his firm had done the base drawings for the buildings on the property; however, he felt that it would not create a conflict for the application.

Mr. Speidel opened by explaining that he is seeking to open a market at 338D County Road. The market would feature fresh meats and cheeses as well as related sundries and some cold, carryout foods such as soups. There would be no changes to the exterior of the building. Waste would be placed in a shared dumpster, located at the rear of the property; however, the applicant would utilize a dumpster dedicated to his operation if necessary. The waste would be removed from the shop after closing through the front exit and brought to the rear dumpster. It was noted that there was no rear egress from this unit. The proposed hours of operation would be 10:00 a.m. to 6:00 p.m., with all deliveries to occur prior to business opening. The proposed use would require no greater parking than was required by the prior use in the portion of the building at question.

Mr. Kraig read into the record a letter from an abutting neighbor expressing concern with trash maintenance as well as other issues regarding the property in general that would not be affected by the proposed use. Mr. Speidel assured the Board that he would maintain the trash to be free from odors and pests.

Ms. Dessloch spoke in support of the application, noting that she understands the concerns with trash; however, she felt that the applicant would be responsible for maintaining the dumpster.

MOTION: Mr. Freel moved to approve the application with the following conditions:

- The applicant must secure and maintain his own dumpster, which must be kept locked and be maintained to be free of odors and rodents.
- The hours of operation will not exceed 8:00 a.m. – 8:00 p.m.

Mr. Dennehy seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- The proposed use is moving from one business use to another business use
- The proposed use would be beneficial to the community
- The proposed use is appropriate for the location, and there is more than the required parking

REASON FOR DECISION:

It was the judgment of the Board that the standards 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 and D) It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Application #3572, Gordon and Diane Hutton, 88 Boyce Avenue, Barrington, RI 02806, applicants and owners, for permission to remove existing house and construct a new single-family house; Assessor's Plat 34, Lot 47, R-10 District, 101 Boyce Avenue, Barrington, RI 02806, requiring relief for being 100' from a wetlands/waterbody and for lot coverage.

Present: Gordon Hutton, 88 Boyce Avenue, Barrington, RI
Joelle Sylvia, attorney for the applicant, DeSisto & Feodoroff, 450 Veterans Memorial Parkway, Suite 10, East Providence, RI

In the audience:
Cynthia Fuller, Barrington Conservation Commission
Phillip Axelson, 79 Boyce Avenue, Barrington, RI

The following items were submitted as exhibits:

- Photos of property
- Pictures of retaining wall
- Assessor's data for surrounding properties
- Petition in support of application

The applicants explained that they own the property at 101 Boyce Avenue. The house was originally constructed in the 1920's and the foundation is now unsound and could not support additional or changed structures. Therefore, they are unable to renovate the existing structure and to effect changes, a new home would need to be designed. They noted that following their prior appearances before the Board, they took the concerns of the Board into their plans, reducing the proposed lot coverage by reducing the size of the footprint and reducing the garage from four bays to two bays.

The applicants are proposing to construct a two-story, single-family home with a two-bay garage and a deck; a two-bay garage is particularly needed for this property due to the narrow street and the resulting lack of on-street parking. The first floor will consist of a master bedroom suite, kitchen and great room. The second floor will have two bedrooms and storage over the garage. The proposal does not require dimensional relief for setbacks from the property line; the relief is sought is for lot coverage and proximity to the wetlands. Ms. Sylvia noted that most of the surrounding properties exceeded the lot coverage requirement, presenting Assessor's data to demonstrate the percentages. It was also noted that the right-of-way adjacent to the property lessened the effect of the excessive lot coverage.

Mr. Kraig read into the record the favorable recommendation of the Conservation Commission. Mr. Axelson, an abutting neighbor, spoke in support of the application.

MOTION:

Mr. Freel moved to grant the application with the following conditions:

- Appropriate sediment erosion controls are in place during all soil disturbance activities occurring as part of construction.
- All construction materials, tools, etc, are stored on street-side of house, not between the house and the water.
- Material placed underneath proposed deck shall be pervious to water infiltration, such as crushed gravel or pavers in a sand base. No impervious material, such as poured concrete, shall be used underneath the proposed deck.
- The driveway must be constructed of a pervious material

Mr. Blasbalg seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- The proposed house is modest in size
- The lot is undersized
- The proposed garage is reasonably size and needed to keep the cars off of the roadway
- The owners need a first floor master bedroom
- The proposal will create a reduction in overall impervious surface
- There is a right-of-way on the side of the 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.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Freel and seconded by Mr. Blasbalg to accept the April 21, 2010 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Freel moved to adjourn at 9:36 P.M. Mr. Rizzolo seconded the motion and the meeting was adjourned.

Respectfully submitted,

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