

# **ZONING BOARD OF REVIEW**

**Barrington, Rhode Island**

**January 20, 2011**

**APPLICATIONS: #3613 and 3614**

## **MINUTES OF THE MEETING:**

**At the call of the acting Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Mark Freel, David Rizzolo and Stephen Venuti.**

**Also present was solicitor Andrew 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 7:36 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on those applications it had heard.**

**Application #3613, Carl F. Benevides, 70 Tupelo Street, Bristol, RI 02809, applicant, Mr. & Mrs. John Walter, 33 Chapin Road, Barrington, RI 02806, owners, for permission to construct a 17'x 20' addition over existing garage; Assessor's Plat 25, Lot 93, R-25 District, 33 Chapin Road, Barrington, RI 02806, requiring dimensional relief for side yard setback.**

**Present: Carl F. Benevides, 70 Tupelo Street, Bristol, RI**

**John Walter, 33 Chapin Road, Barrington, RI**

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

**The applicants explained that they are seeking to build an addition over the existing garage in order to accommodate a play/study area for the owner's children. The existing bedrooms are small and would not accommodate desks for the children; the proposed location is adjacent to their bedrooms, thereby making it the most logical location for the addition. The homeowner had considered renovating the basement; however, it is small and has limited headroom. It was also noted that any other exterior addition would require relief and that the proposal exists entirely within the existing garage footprint. Mr. Walter also noted that he spoke with his immediate neighbors and no one had any objections.**

**MOTION: Mr. Venuti moved 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:**

**„« The applicant needs additional space for his family**

**„« The proposal is the least relief necessary given the configuration of the lot**

**„« The basement would not accommodate the needed space**

**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 #3614, John and Marcy Wemple, 11 Half Mile Road, Barrington, RI 02806, applicants and owners, for permission to construct a new 14' x 22' deck, an addition over an existing deck, and an addition over the existing garage; Assessor's Plat 24, Lot 180, R-25 District, 11 Half Mile Road, Barrington, RI 02806, requiring relief**

for being within 100 feet of a wetlands/waterbody.

**Present: Marcy Wemple, 11 Half Mile Road, Barrington, RI**

**Brent Narcowicz, contractor, 181 Legris Ave, West Warwick, RI**

**In the audience:**

**Ed Ionata, Barrington Conservation Commission**

**Marc Zawatsky, 13 Half Mile Road, Barrington, RI**

The applicants explained that they are seeking to construct a master bedroom/bathroom suite over the existing garage and convert the existing deck into living space in order to create a larger kitchen. It was noted that the existing deck is over a concrete slab; therefore, neither of these proposed additions would create a significant increase in runoff. The new construction would utilize drainage gutters and splash pads in order to keep the water flow the same as the current conditions.

A new deck had been proposed; however, after meeting with the Conservation Commission, the applicants have decided to change the deck to an on-grade patio in order to reduce their impact on the wetlands.

Mr. Kraig read into the record the recommendation from the Conservation Commission. Mr. Ionata noted that there had been no objection to the proposal as long as there was no additional erosion

**hazard.**

**Mr. Zawatsky stated that he was speaking neither in favor nor opposition to the application; however, he wanted to know if the application would require DEM approval and if there were any concerns with the application being a pre-existing non-conforming lot. He also wanted to note that the survey submitted with the proposal showed an encroachment on the west side of the property; however, that condition had been rectified and he felt it should be reflected on a future survey.**

**The Board noted that DEM approval was not part of the Board's purview; it is the applicant's responsibility to receive all required approvals. Additionally, the lot is a substandard lot of record, therefore, no additional advertizing or relief would be required.**

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

**„« A revised site plan showing the corrected conditions be submitted prior to the issuance of a Building Permit**

**„« Adequate erosion control measures to be utilized during construction**

**„« Vegetated landscape to be restored after construction**

**„« Construction materials to be stored at the side or front of the structure away from the wetland resource**

**Mr. Rizzolo 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 proposal will not increase the overall impervious area on the property and the runoff will remain the same

„« The impact on the wetlands will be minimal

„« The house is modest in size and there is a need for additional space.

## **REASON FOR DECISION:**

It was the judgment of the Board that the standards in Section  $\text{j}\pm 185-69$  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  $\text{j}\pm 185-71$  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 December 16, 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 7:46 P.M. Mr. Rizzolo seconded the motion and the meeting was adjourned.**

**Respectfully submitted,**

**Valerie Carroll, Secretary**

**Thomas Kraig, Acting Chairman**

**cc: Andrew Teitz, Solicitor**