

ZONING BOARD OF REVIEW

Barrington, Rhode Island

August 16, 2012

APPLICATIONS: #3680, 3864, 3685 & 3686

MINUTES OF THE MEETING:

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

Also present was solicitor Andrew Teitz as well as Building Official Robert Speaker.

At 7:06 P.M. Mr. Kraig opened the meeting and proceeded to hear the following matters. At 8:08 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.

Continuation of application #3680, Patrick and Debby Perugini, 6 Ferncliff Road, Barrington, RI 02806, applicants and owners, for permission to build a front porch addition; Assessor's Plat 24, Lot 184, R-25 District, 6 Ferncliff Road, Barrington, RI 02806, requiring dimensional relief for front yard setback.

Due to the fact that the presentation of this matter had begun at the July 19th meeting and there was not a quorum of members present who had been in attendance at that meeting, the Board was compelled to continue this matter.

MOTION: Mr. Kraig moved to continue this matter to the September 20, 2012 meeting. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Application #3684, Jason Haas, 72 Teed Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a second story addition over existing structure; Assessor's Plat 34, Lot 19, R-10 District, 72 Teed Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback.

Before this matter began, Mr. Dennehy recused himself.

Present: Jason Haas, 72 Teed Avenue, Barrington, RI

In the audience:

Chris DeToro, 28 Wright Place, Barrington, RI

Maxine and Edward Akucewich, 75 Teed Avenue, Barrington, RI

Mr. Hass explained that he is seeking to create a second floor addition within the existing footprint of the home in order to accommodate two additional bedrooms and one additional bathroom.

The addition would be no closer to the lot line than the existing home, and will not encroach as far as that portion of the house closest to the lot line, the front entryway. The proposed location is the most logical location for the addition due to the layout of the home and Mr. Hassi's desire to preserve backyard play space for his children.

Mr. Kraig read into the record a letter from Robert Fudge, an abutting neighbor, who expressed concerns regarding the parking of construction vehicles, the storage of construction materials and the overall scale of the project. Mr. DeToro stated that he had no issues with the proposal itself; he was concerned that Wright Place, a dead-end street, would become congested and blocked by construction vehicles. Mr. and Mrs. Akucewich stated that they were in support of the application, and if needed, they would allow construction vehicles to park on the road directly in front of their property, since that would not block access to their driveway.

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

**„« The addition must be no closer than indicated on the current plan
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 proposed addition would be no closer to the lot line than the

existing house

„« The structure would remain consistent with the character of the neighborhood

„« The proposed location for the addition is the most logical location

„« The applicant has expressed a need for additional space to accommodate his family

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 #3685, Leo Kraunelis, 11 Meeting Place, Boxford, MA 01921, applicant, Redwine Development, 3044 Pawtucket Avenue,

East Providence, RI 02915, owner, for permission to construct a 16' x 12' deck; Assessor's Plat 17, Lot 185 R-10 District, 25 Walnut Road, Barrington, RI 02806; requiring dimensional relief for rear yard setback as well as exceeding lot coverage.

Before this matter began, Mr. Freel recused himself

Present: Leo Kraunelis, 11 Meeting Place, Boxford, MA

Joe Amerosa, 25 Walnut Road, Barrington, RI

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

Mr. Kraunelis opened by explaining that he had originally purchased the property at 25 Walnut Road as a distressed property. In the process of rehabbing the property he discovered the deck was rotten, so he replaced it. Upon inspection by the Building Official it was discovered that the deck had not been on the original plans, nor was it in the Tax Assessor's records. Therefore the deck needed relief for setback and lot coverage infringements.

The Board questioned why they needed a 16' x 12' deck, when if they reduced the deck by 3-3.5 feet they would no longer require setback relief. Mr. Amerosa replied that in order to accommodate seating for his family and space for his grill, they needed the full 16' x 12'. Mr. Amerosa also noted that he had spoken with his neighbors

and no one had an objection to the deck.

MOTION: Mr. Venuti moved to approve this application. Upon a second by Mr. Rizzolo, the Board voted unanimously (5-0) to grant this application.

DISCUSSION:

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

„« The size of the deck appears to be necessary to permit the applicant to fully utilize the deck

„« The deck will have a minimal impact on 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 #3686, Kraunelis Insurance Agency, 195 Washington Road, Barrington, RI 02806, applicant and lessee, James Tavares, 49 Bradford Street, Bristol, RI 02809, owner, for permission to operate an office without required parking: three spaces available, five spaces required, as well as for parking in the front yard setback on Bay Spring Avenue; Assessor's Plat 2, Lot 16, Neighborhood Business Zone, 195 Washington Road, Barrington, RI 02806, requiring a special use permit for parking.

Mr. Kraig read into the record a request to continue this matter to the September meeting.

MOTION: Upon a motion by Mr. Rizzolo, with a second by Mr. Freel, this matter was unanimously (5-0) continued to the September 20, 2012 meeting.

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Rizzolo and seconded by Mr. Venuti to accept the August 7, 2012 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 8:38 P.M. Mr. Venuti seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, solicitor