

ZONING BOARD OF REVIEW

Barrington, Rhode Island

October 18, 2012

APPLICATIONS: #3689, 3691, 3692, 3693 and 3694

MINUTES OF THE MEETING:

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

Also present were solicitors Nancy Letendre and 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 8:35 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 #3689, William Fleming, 9 Baron Road, Barrington, RI 02806, applicant and owner, for permission to construct an elevated deck and porch; Assessor's Plat 29, Lot 166, R-10 District, 9 Baron Road, Barrington, RI 02806, requiring dimensional relief for being within 53 feet of a wetlands/waterbody, where a minimum of 100 feet is required.

Present: Brent Morse, representing the property owners

It was noted that while the Secretary had spoken with the property owners, the Board was again not in receipt of a letter from the applicants allowing Mr. Morse to speak on their behalf. Therefore, the Board could not proceed with this matter.

MOTION: Mr. Freel moved to continue this application to the November 15, 2012 meeting. Mr. Blasbalg seconded the motion and it carried unanimously (5-0).

Application #3691, William J. Hagan, 10 Blanding Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a 10' x 10' single-story addition with a 12' x 14' deck; Assessor's Plat 1, Lot 169, R-10 District, 84 Lake Avenue, Barrington, RI 02806, requiring a Special Use Permit for the alteration of an existing non-conformance: two houses on one lot.

Present: William J. Hagan, 10 Blanding Avenue, Barrington, RI

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

Mr. Hagan explained that he has recently acquired the property and is seeking to update and renovate it. The rear addition will encompass a bathroom/laundry room and the deck will allow for better enjoyment of the back yard. It was noted that he did not need any dimensional

relief; rather, he was before the Board because of the existing non-conformance of two houses on a single lot. In addition, the proposed additions are on that side of the house toward the middle of the property, minimally impacting adjacent properties.

MOTION: Upon a motion by Mr. Freel, with a second from Mr. Venuti, 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 proposal is a significant improvement for the property

„« There will be no negative impact on the surrounding neighborhood.

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section $\text{j}\pm 185-73$ 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.

Additionally, the standards in $\text{j}\pm 185-74$, have also been met: That A).

it will not result in the creation of or increase in any undesirable impacts related to the use, such as excessive noise, traffic and waste generation, B). That the general visual appearance of the nonconforming use shall not be altered in a way so as to heighten or make more apparent its nonconformity and, where possible, shall be improved so as to be more consistent with the surrounding area, C). That it will not have a negative impact on the natural environment or on any historic or cultural resource, and D). That the resulting nonconforming use will be a beneficial use to the community.

Application #3692, Modern Industries, c/o Ned Ladozzi, 242 West Exchange Street, Providence, RI 02903, applicant, Michael and Shelly Prebenda, 56 Bourne Lane, Barrington, RI 02806, owners, for permission to construct two new decks on east side of home, construct two-story addition and addition to existing first story and garage; Assessor's Plat 26, Lots 11 and 193, R-25 District, 56 Bourne Lane, Barrington, RI 02806, requiring dimensional relief for side yard setback as well as being within 100' of a wetlands/waterbody.

Present: Michael and Michelle Prebenda, 56 Bourne Lane, Barrington, RI

Edmund Ladozzi, 242 West Exchange Street, Providence, RI

Chris Major, project architect

In the audience:

Leslie Weedon, Barrington Conservation Commission

The applicants explained that they are seeking to create a new, larger garage in order to accommodate cars, bikes and storage space as well as home additions to better serve the needs of their family. The owners have six children, three of whom live at home and three who come to visit often. One of the adult children will be residing in the home with their family as well. The deck extensions will allow space for the family to enjoy the deck and provide a safe place for the younger grandchildren to play.

Mr. Kraig read into the record the recommendation of the Conservation Commission. It was noted that at the Commission's request, the wetlands edge was properly identified on the plans submitted to the Board. It was also noted that the applicants had spoken with the immediate neighbors and there had been no objections.

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

„« Erosion control plan as specified on Site Plan must be in place prior to and during all exterior construction

„« Removed soil should not be stockpiled on site

„« Material on ground under new decks must be permeable (e.g., earth or stone aggregate)

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 homeowners need the additional space to serve the needs of the family

„« There will be minimal impact on the wetlands

„« There were no objections for the neighbors most affected

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 #3693, Robert and Janet Hoder, 60 Adams Point Road,

Barrington, RI 02806, applicants and owners, for permission to remove existing structures and construct a new 36' x 48' two-story single-family home with a 24' x 26' attached garage; Assessor's Plat 26, Lot 164, R-25 District, 7 Bourne Lane, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback, and rear yard setback.

Present: Robert and Janet Hoder, 60 Adams Point Road, Barrington, RI

Scott Weymouth, architect, 14 Imperial Place, Providence, RI

In the audience:

„« Nick Ward, 68 Adams Pont Road, Barrington, RI

The following items were submitted as exhibits:

„« Photos of the existing structures

The applicants explained that they have lived in the Adams Point neighborhood since 1956 and they are now looking to downsize but remain within the neighborhood. They have purchased the property at 7 Bourne Lane; however, the existing structures are not habitable. They are seeking to demolish the existing structures and build a new two-story single-family home with an attached garage. The new garage will be no closer to the side yard setback than the existing garage and it will be further from the rear yard setback than the current structure.

It was noted that the lot is oddly shaped in that it is a long, narrow lot, making front and rear setbacks difficult to achieve. Additionally, there are flood plain issues and the owners are seeking to maintain water views for their surrounding neighbors. Moving the house to the middle of the lot would significantly impact the character of the area.

Mr. Ward, an abutting neighbor, spoke in favor of the proposal as presented.

The Board had concerns with the proposed location of the garage, noting that while it was better than current conditions, it could still be located in a way to further reduce the setback encroachment. While the Board appreciated the fact that the applicants were seeking to preserve neighborhood views and character, since the entire structure was being removed, the applicant had greater ability to consider changing locations, and even minor changes could appreciably decrease the amount of relief needed for the garage.

MOTION: Mr. Venuti moved to deny the application without prejudice. Mr. Freel seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

„« The proposed garage would still be located too close to the rear

yard setback and very close to the side yard setback

„« There is sufficient area to consider relocation

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have NOT been met: D) that the relief to be granted is the least relief necessary.

Application #3694, Gail Carley, 61 Sowams Road, Barrington, RI 02806, applicant, Malcolm and Joan Kirk, 10 Lantern Lane, Barrington, RI 02806, owner, for permission to construct two-story additions on the west and north sides of the home, including bulkhead; Assessor's Plat 25, Lot 264, R-25 District, 10 Lantern Lane, Barrington, RI 02806, requiring dimensional relief for exceeding lot coverage.

**Present: Gail Carley, 61 Sowams Road, Barrington, RI
Malcolm Kirk, 10 Lantern Lane, Barrington, RI**

In the audience:

Lois Chapman, 7 Lee Road, Barrington, RI

Keith Kelly, 8 Lantern Lane, Barrington, RI

Ms. Carley noted that the lot has been surveyed and they are working with a 10,000 square foot lot in an R-25 zone. The applicants are seeking to create additions that would create additional bedrooms

and a bathroom on the second floor, and add a bulkhead for basement access. The applicants indicated that there is no other logical location to place the additions desired.

Ms. Chapman said that her property abuts the rear of the Kirk's property and she has concerns about the addition's impact on her privacy. She asked if the applicants plan on adding privacy trees/bushes. The Board asked the applicants if they would be amenable to the request; they replied that they would.

Mr. Kelly, abutting neighbor, also expressed concerns regarding the proposal's impact on his privacy and the view into the sunroom behind his house - as well as the potential impact on the value of his property. He felt that the proposal would be too much massing. The Board noted that the addition on Mr. Kelly's side did not require side yard relief and were it not for the coverage issue, the addition could be undertaken without any zoning relief. During the discussion, it was observed that the plantings between the subject property and Mr. Kelly's property were on Mr. Kelly's property.

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

„« The applicant will place landscape screening along the rear of the property not less than six feet in height and with a separation of not more than three feet for the purposes of privacy

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 proposal meets all setback requirements

„« The relief sought is for lot coverage, the lot is very undersized for the zone.

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 September 20, 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 9:25 P.M. Mr. Dennehy seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, solicitor