

ZONING BOARD OF REVIEW

Barrington, Rhode Island

July 18, 2013

APPLICATIONS: #3723, #3714, #3724

MINUTES OF THE MEETING:

At the call of the Vice Chairman, Mark Freel, the Board met with Paul Blasbalg, Elizabeth Henderson, David Rizzolo and Stephen Venuti.

Also present was Building Official Robert Speaker, and secretary Audra Raleigh.

At 7:05 P.M. Mr. Freel called the meeting to order.

Application #3723, Mohamed J. Freij, 326 Sowams Road, Barrington, RI 02806, applicant and owner, for permission to unmerge two non-conforming lots, with existing dwelling to remain on first lot, and build a 22' x 36' single family house which will meet all minimum setback requirements; Assessor's Plat 22, Lot 196, R-10 District, 326 Sowams Road, Barrington, RI 02806, requiring a special use permit.

Due to a recusal of a Board member for application #3723, there was not a quorum to hear this application.

MOTION: Mr. Venuti made a motion to continue this application to the August meeting. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Continuation of application #3714 Listerlin Associates, LLC, 89 Governor Bradford Drive, Barrington, RI 02806, applicant and owner, for permission to renovate two buildings located at 134 Maple Avenue, Barrington, RI 02806, Assessor's Plat 23, Lot 79, NB District, in the following manner: building #1 - interior renovation and the addition of a building façade on the street elevation. This will protrude approximately 3" off the building; building #2 – interior renovation, the addition of a 10' by 6' laundry room which will be constructed on an existing foundation on the rear of the house, along with a renovated deck, 134 Maple Avenue, Barrington, RI 02806, requiring a special use permit for the extension of non-conforming use, and dimensional relief for rear and side setbacks.

Present: Bob Berkelhammer, attorney with Chace Ruttenberg & Freedman, 1 Park Row, Providence, RI 02903
Niamh Maddox, 89 Governor Bradford Drive, Barrington, RI
Matthew McPhillips, architect, Saccoccio & Associates, 1085 Park Ave, Cranston, RI
Al Cristino, Chapel Building Company, 33 Veteran's Memorial Parkway, East Providence, RI

Mr. Brikelhammer explained that his client's intent for the 2 properties purchased at 134 Maple Avenue, Barrington, RI, include a book bindery to go in the commercial space and the residential space is going to be renovated and used for visiting relatives/friends. Ms. Maddox explained that the book bindery is the craft of binding books and is a shared family hobby. They do not expect much traffic in their location. Their intent is to possibly have book binding lessons and use the retail setting to create; therefore no dumpster will be obtained.

Mr. McPhillips addressed the Board noting the residential house is 825 square feet and that the applicants wish to add a 6' x 10' room on top of the existing bulkhead and close in the other area that juts out from the house to be used for a mudroom/laundry room by removing the central stairs. They will also be adding a new deck on the front of the house. They will be adding landscaping by taking out some of the pavement that currently exists on the property. They will not be changing the footprint of the house.

Additionally, they had applied to Zoning for a façade for the front of the commercial building, but have since found they do not require relief for such.

There was nobody in the audience either in favor or opposed to this application; however, a letter from residents at 119 Anoka Avenue wrote a letter in favor of this application and it was read into the record.

Mr. Freel closed the public portion of this application at 7:59 p.m.

DISCUSSION:

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

- The commercial space is intended for a book bindery; intent is more of hobby/classes than a high volume traffic business.
- Relief is not required for the building façade, as initially anticipated.
- They are not changing the footprint of the existing residential building; just adding more usable space and improving the exterior.
- Special use permit is solely for the use of two different types of buildings on the same lot.

MOTION: Mr. Blasbalg made a motion to approve the dimensional variance for the residential building. Mr. Venuti seconded the motion and it carried unanimously (5-0).

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.

DISCUSSION:

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

- The special use permit is being granted solely for the use of two different types of buildings on the same lot.

MOTION: Mr. Venuti made a motion to approve the special use permit, solely for the use of two different types of buildings on the same lot. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met: A) that the public convenience and welfare will be substantially served; B) that it will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan; C) that it will not result in or create conditions that will be inimical to the public health, safety, morals or general welfare of the community and D) that it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district. Additionally, the standards for nonconforming uses set forth in Section §185-74 have been met because the applicant has demonstrated each of the following: A) that it will not result in the creation of increase in any undesirable impacts related 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; and D) that the resulting nonconforming use will be a beneficial use to the community.

Application #3724, Dana Crossland, 38 Lincoln Avenue, Barrington, RI 02806, applicant and owner, for permission to add an 8' x 10' storage shed; Assessor's Plat 17, Lot 201, R-10 District, 38 Lincoln Avenue, Barrington, RI 02806, requiring relief for front yard setback from Walnut Road.

Present: Dana Crossland, 38 Lincoln Avenue

Ms. Crossland addressed Board stating she wishes to put a shed in her "back" yard. She has a fence around her property line; she wants to put the shed two feet from the fence line. Ms. Crossland stated that she only has a single car garage and two vehicles and requires additional storage for her outdoor items. Ms. Crossland stated that she lives on a corner lot. She noted that she has plantings and flower beds surrounding her house and along the fence lines.

Mr. Rizzolo stated that due to the property being on a corner, according to zoning, she has to meet two front yard setbacks. Although the shed would be in what she considers to be her back yard, it essentially will be only four feet from the front yard setback of Walnut Road. Mr. Rizzolo suggested adding a shed off the side of her garage, to which Ms. Crossland responded would disrupt her plantings.

Mr. Freel closed the public portion of the meeting at 8:30 p.m.

DISCUSSION:

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

- The proposed shed location would be in a front yard setback, approximately four feet from the property line.
- There are other places in the yard it could be placed, therefore is not the least relief necessary
- It will alter the general characteristics of the neighborhood because it would be so close to the street in the front yard setback.

MOTION: Mr. Rizzolo made a motion to deny this application. Ms. Henderson seconded the motion and it carried unanimously (5-0).

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have not been met: C) that the granting of the requested variance will 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 not the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have not been met because the applicant has not 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:

Due to some discrepancies in the written minutes of the previous meeting requiring the Chairman's input, the minutes approval was continued to the July meeting.

ADJOURN:

There being no other business, Mr. Rizzolo moved to adjourn at 8:40 P.M. Mr. Blasbalg seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Mark Freel, Vice Chairman

cc: Andrew Teitz, Solicitor