

# ZONING BOARD OF REVIEW

Barrington, Rhode Island

March 21, 2013

APPLICATIONS: #3705, 3706, 3707, 3708, 3709 & 3710

## MINUTES OF THE MEETING:

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

Also present was Solicitor Andrew Teitz, Building Official Robert Speaker, and Secretary Audra Raleigh.

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

The Board then proceeded to hear the following matters. At 8:34 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 that had not been continued.

**Application #3705 Robert Davidson and Pauline Mitchell, 15 Lincoln Avenue, Barrington, RI 02806, applicants and owners, for permission to remove existing deck and rear stair and construct a 24 x 24 addition - with garage at ground level, entry and family room at main living level, and bedroom addition at upper level; Assessor's Plat 18, Lot 251, R-10 District, 15 Lincoln Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback from Bernard Avenue.**

Present: Robert Davidson and Pauline Mitchell, 15 Lincoln Avenue, Barrington, RI 02806  
Scott Weymouth, architect

Mr. Davidson explained the reason for requesting a variance for the addition to his house is to allow for more livable space for his family, including 3 children from a previous marriage. He also stated that Ms. Mitchell is self-employed and works out of the house. Mr. Weymouth showed that due to the narrowness of the lot, there is really no other place to put the addition. Additionally, they face the constraint of complying with two frontage requirements, as the house is on a corner lot.

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

**MOTION:** Mr. Freel moved to approve the application. 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 lot is unusually shaped, and on a corner with two frontage requirement, so there is essentially no other option for placement of the addition.

- There is an unusually large distance between the paved portion of the street and the actual property line, adding substantially to the apparent the frontage.
- Bernard Avenue (which is one of the streets to which the addition is adjacent) is a dead end street and there was no opposition to this request from any of the neighbors.

**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 #3706 Mark Cooper, Harvard Architectural Associates, LLC 103 Bolton Road, Harvard, MA 01451, applicant; Daniel Dickstein, 17 Echo Drive, Barrington, RI 02806, owner, for permission to renovate an existing single-family home, adding 60 square feet to existing footprint; Assessor's Plat 5, Lot 88, R-40 District, 17 Echo Drive, Barrington, RI 02806, requiring dimensional relief for front yard setback; and within 100 feet of wetlands.**

Present: Mark Cooper, Harvard Architectural Associates, LLC, 103 Bolton Road, Harvard, MA 01451  
Daniel Dickstein, 17 Echo Drive, Barrington, RI 02806

Mr. Cooper, architect for the applicant explained that the plan is to enclose the screened porch, and put it in line with the existing line and footprint of the house. The new plan would move the house two feet closer to Echo Lake, making it 75' from the wetlands, versus the current 77'. Mr. Dickstein showed the Board a photo of the property, explaining the proposed plan. When asked what hardship is suffered by not approving this request, Mr. Dickstein stated that the proposed plan ties the house together, allowing it to become more functional and energy efficient, as there are half walls that currently divide all the rooms. The Chairman read into the record the favorable recommendation of the Conservation Commission.

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

**MOTION:** Mr. Venuti moved to approve the application, incorporating the conditions set forth in the recommendation of the Conservation Commission. 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 applicant was only requesting a two foot variance.
- The Conservation Commission recommended approving this application.
- The primary reason for requesting this variance is to improve the energy efficiency of the home.

**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 #3707 Abby Klieman, 16 Mathewson Lane, Barrington, RI 02806, applicant; Abby Klieman and Lawrence Lasala, 16 Mathewson Lane, Barrington, RI 02806 owners, for permission to unmerge two non-conforming lots; Assessor's Plat 25, Lot 278, R-25 District, 16 Mathewson Lane, Barrington, RI, 02806, requiring a special use permit.**

*Mr. Freel recused himself prior to the reading of this application.*

Due to the recusal and the absence of the one Board member at this meeting, there was no quorum. Therefore, the following motion was made:

**MOTION:** Mr. Rizzolo moved to continue the application to the April 18 Zoning Board meeting. Mr. Dennehy seconded the motion and it carried unanimously (4-0).

**Application #3708 Justin Leland, 52 Derby Road, Berlin, MA 01503, applicant; Justin & Deborah Leland, 52 Derby Road, Berlin, MA 01503, owners, for permission to demolish two homes, merge two lots and construct a single-family residence; Assessor's Plat 1, Lots 260 and 261, R-10 District, 230-234 Narragansett Avenue, Barrington, RI 02806, requiring dimensional relief for height and front yard setback.**

Present: Justin Leland, 52 Derby Road, Berlin, MA 01503

The applicant has been living in the house on one of the two lots; he recently purchased the second property but the house on it is in too bad a state of maintenance to warrant repair. He has concluded that it would be more practicable to tear down both houses rather than repair and add on to the house in which he has been living, particularly since the properties are located in the flood zone, and if he makes major changes to the existing house, he would have to raise it five feet to meet FEMA requirements. Accordingly, he is requesting permission to take down both houses and replace them with one home. The variances he requests are (i) for front yard setback relief because the property has two frontages and he is requesting a 1 ½ foot front yard relief in order to accomplish the design he desires, and (ii) a 4 foot height relief due to the higher elevation of the house due to FEMA requirements and the applicants desire to allow for future changes in regulations and increases in sea height. FEMA requires an elevation of 11', and he wishes to add on five feet more. That will both accommodate future changes and result in lower flood insurance requirements. The board tried to gain an understanding of why the applicant required a height of 39': starting from an elevation of 16' to meet flood requirements, what elements of design in the house put it to 39', and had the applicant

explored changes to the design that would lessen or eliminate the need for a height variance. The applicant indicated that he believed the first floor ceiling was 10' and the second floor 9', but he was not certain about the thickness of the floor joists or the pitch of the roof, although the applicant indicated that he needed to have attic storage because of the compromised nature of the ground floor / garage in view of the flood risk.

Justin Maguire, a neighbor and friend of the applicant, stated that he was present to support Mr. Leland. He noted his delight that Mr. Leland would demolish the one home which was an "eyesore". Mr. Maguire stated that Mr. Leland was a good neighbor and he supports this request for variance. Mr. Maguire also stated that he believes that the home located at 58 Blanding is very high, and quite possibly could be above the maximum height ordinance.

The Board indicated that from the evidence presented it was not clear that adequate reason had been provided either to justify the need for front yard setback relief, since it is a good size lot, or for height relief absent presentation of a cross section of the house, and roof pitch, in adequate detail to permit the Board to understand why the applicant could not build the house lower. The Board noted that in cases of teardowns, where an open lot is available and an applicant is not circumscribed by the location or dimensions of an existing house, the burden of establishing need for relief, and least relief necessary, is particularly high. After hearing these thoughts from the Board, the applicant requested a continuance to the April 18 meeting.

**MOTION:** Mr. Freel moved to continue the application to the April zoning meeting. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

**Application #3709 Daniel Lee, 47 Wood River Lane, West Greenwich, 02817, applicant; Lelia Giuttari, 84 Roffee Street, Barrington, RI 02806, owner, for permission to construct a 9' x 12' addition; Assessor's Plat 22, Lot 181, R-10 District, 84 Roffee Street, Barrington, RI 02806, requiring dimensional relief from front (Walter Street) and rear yard setbacks.**

Present: Daniel Lee, 47 Wood River Lane, West Greenwich, 02817

Mr. Lee indicated that the house is very small - only 800 square feet - and situated in a corner of the lot; an addition is needed to increase the modest living space. Due to the way the house sits on the lot, the only place to put the addition is in the rear. Mr. Lee did not have the exact measurements of the lot and home accurately reflected on the application.

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

**MOTION:** Mr. Freel moved to approve the application with the conditions that the addition extend no closer than 16'6" to the rear property line, and no closer than 14' to the side frontage on Walter Street. 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 location of the house on the lot makes the variance necessary to construct the addition.
- The house is very small and situated oddly on the lot; they are adding a modest amount of living space.

- The conditions are included in the motion due to the inexact measurements noted on the application. The applicant will have to assure that the sitting of the addition conforms to these distances from the actual property lines.

**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 #3710 Jon Paul Couture, 12 Arnold Street, Providence, 02906, applicant; John and Andrea Dziuba, 7361 Southwest 165 Street, Miami, FL, 33157, owners, for permission to construct an addition to an existing single-family residence which is nonconforming by dimension; renovations will remove an existing shed and concrete patio, enlarge the existing front porch, add a second story addition and new deck for rear entry; Assessor's Plat 7, Lot 41, R-25 District, 15 Adelaide Avenue, Barrington, RI 02806, requiring dimensional relief for front and side yard setbacks and exceeding lot coverage.**

Mr. Teitz explained that the applicant and owners were unable to attend the meeting and had contacted him to request a continuance. In addition, Mr. Rizzolo recused himself from this application.

**MOTION:** Mr. Freel moved to continue the application to the April 18 Zoning Board meeting. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

**MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Rizzolo and seconded by Mr. Freel to accept the February 28, 2013 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 9:00 P.M. Mr. Dennehy seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary  
Thomas Kraig, Chairman  
cc: Andrew Teitz, Solicitor