

ZONING BOARD OF REVIEW

Barrington, Rhode Island

February 28, 2013

APPLICATIONS: #3699, 3700, 3701, 3703 and 3704

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, Building Official Robert Speaker, and Secretary Audra Raleigh.

At 7:04 P.M. Mr. Kraig called the meeting to order and asked for a nominations for Chairman and, subsequently, for Vice Chairman. Upon motions duly made and seconded, Mr. Kraig was voted Chairman and Mr. Freel was voted Vice Chairman.

The Board then proceeded to hear the following matters. At 8:15 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 #3699, Mark A. Pelson, 294 Rumstick Road, Barrington, RI 02806, applicant, Richard A. and Lisa M. Browning, 359 Rumstick Road, Barrington, RI 02806, owners, for permission to remove the building containing existing accessory living quarters, relocate existing house and construct a new single-family home; Assessor's Plat 11, Lot 5, R-40 District, 359 Rumstick Road, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/waterbody.

Before this matter began, Mr. Freel recused himself.

Mr. Bruce Cox, representing the applicant asked that this application be withdrawn without prejudice.

MOTION: Upon a motion by Mr. Venuti, with a second by Mr. Dennehy, the Board voted unanimously (5-0) to withdraw the application without prejudice.

Continuation of application #3701, Richard Soares, 21 Albert Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a garage addition; Assessor's Plat 14, Lot 66, R-25 District, 21 Albert Avenue, Barrington, RI 02806, requiring dimensional relief for side yard setback.

Present: Richard Soares, 21 Albert Avenue, Barrington, RI 02806

Mr. Speaker advised the Board noting that he had visited the subject site since the last meeting; he noted that the structure was built without a permit. There was concern from the neighbors that the owner intended on using it for an apartment due to the significant size of the structure. Mr. Speaker

informed that Board that there was no running water or other signs that the structure was being utilized for anything other than a garage. The Board asked Mr. Soares why he needed such a significant structure (1250 square feet). Mr. Soares responded that he planned to use the garage to store four antique cars, lawn equipment, patio furniture and a riding mower.

MOTION: Upon a motion by Mr. Venuti, with a second by Mr. Dennehy, the Board voted unanimously (5-0) to approve dimensional relief for side yard setback.

DISCUSSION:

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

- Relief requested is minimal; amounting to only 1½ feet.
- The garage represents an extension of the existing structure, following the side line of that structure and getting no closer to the side yard line.
- While focus had been on the size of the structure, the applicant would be permitted to construct a garage of that size without relief – he is before the Board only because of the proximity to the side yard line.

REASON FOR DECISION:

It was the judgment of the Board that the standards in §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. In addition, 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 #3703, Daniel S. Shedd and Susan Doyle Shedd, 83 Rumstick Road, Barrington, RI 02806, applicants and owners, for creation of an additional residential lot, and creation of an additional single family residential home on such new lot. The new lot will be serviced by a private driveway with easement, and not a public street. The new lot to the west requires a dimensional variance for insufficient frontage on a public street because 75' of frontage (being on a cul de sac) is required and 0' of frontage on a public street is provided. The new lot to the east is already nonconforming in that it has 50' of frontage on Rumstick Road and 140' is required. This lot requires a dimensional variance as well since it is an intensification of a nonconforming lot (changing to a smaller lot but still with only 50' of frontage on a public street).

Present: Kevin Morin, P.E., architect, DiPrete Engineering
Daniel Shedd, owner, 83 Rumstick Road, Barrington, RI 02806

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

Mr. Shedd explained that their original plan proposed a subdivision of four houses; following expression of concern by the abutters, the applicant has devised a new plan in which their 3 ½ acre lot would essentially be cut in half, adding one additional house so that there would be one on each newly

created lot. The applicant went before the Planning Board, which agreed to the subdivision (exhibit 1), noting that that board would prefer an easement for access rather than adding a private road. Mr. Morin presented the new plans to the Board, noting the existing lot already has 50' of frontage and the only relief required for the new lot is for frontage, since it will have no road frontage. Mr. Morin stated that dividing the lot simply meets all dimensional requirements other than for frontage. The scale of the proposed subdivision fits with the neighborhood and the applicant has already met with the Fire Chief who was agreeable to the plans. The utilities will be underground, trash will have to be hauled up to Rumstick Road, and snowplowing and driveway maintenance will be the responsibility of the owner of the new lot.

MOTION: Mr. Freel moved to approve the application. Mr. Venuti 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 subdivision meets all requirements other than road frontage
- The applicant has made substantial improvements from the prior application
- The applicants are only adding one additional structure; there will be no real impact on the surrounding properties; abutters have agreed with their proposal
- The applicant has gone to great lengths by ordering surveys, meeting with abutters and town officials as well as the Planning Board to be sure this proposal is a good fit for all
- The Planning Board has given their approval of the plan.

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. In addition, 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.

Continuation of application #3700, Robert and Janet Hoder, 60 Adams Point Road, Barrington, RI 02806, applicants and owners, for permission to remove existing dwelling and construct new 36' x 48' 2-story single-family dwelling and renovate the existing garage with a gable roof; 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 & Janet Hoder, 60 Adams Point Road, Barrington, RI 02806
Mr. David Butera, Builder, and Mr. Bruce Cox, Attorney

Mr. Cox, representing the applicant, asked that this application be withdrawn without prejudice.

MOTION: Mr. Freel moved to accept the withdrawal of the application without prejudice. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Application #3704, Robert & Janet Hoder, applicant and owner, 60 Adams Point Road, Barrington, RI 02806 for permission to remove existing dwelling and garage at 7 Bourne Lane and construct new 36' x 48' 2-story home, terrace and 24' x 24' garage, requiring dimensional variance for front yard setback for the home, and side and rear yard setback for garage.

Present: Robert & Janet Hoder, 60 Adams Point Road, Barrington, RI 02806
Mr. David Butera, Builder, Mr. Bruce Cox, attorney, and Mr. Weymouth, architect

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

Mr. Cox noted that the lot tapered as it got closer to Adams Point Road, so that in trying to get farther from the wetlands, relief is required for setbacks. Mr. Cox submitted a letter of approval from a neighbor in support of the proposed changes to their plans. Mr. Kraig asked for clarification on setbacks in the front – the applicant explained that because of the right-of-way for Bourne Lane, they require 11.5' of relief in the front. Mr. Weymouth spoke to the Board regarding the reduction of the size of the structure from the original plans.

MOTION: Mr. Freel moved to approve the application. Mr. Venuti 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 applicants are asking for 11½ feet of zoning relief, which is in part due to the unusual presence of Bourne Lane on the applicant's property
- There are other odd-shaped lots in the area as well.
- The applicants have made significant improvements to their original application request.

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. Venuti to accept the January 17, 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