

ZONING BOARD OF REVIEW

Barrington, Rhode Island

December 19, 2013

APPLICATIONS: #3731, #3734, #3736; #3737, and #3738

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 were Solicitor Michael Ursillo, Building Official Robert Speaker, and secretary Audra Raleigh.

At 7:04 P.M. Mr. Kraig called the meeting to order.

MINUTES OF THE PREVIOUS MEETING:

MOTION: Mr. Rizzolo made a motion to approve the minutes of the November 7th meeting. Mr. Blasbalg seconded the motion and it carried unanimously (6-0).

Review and approval of the minutes for appeal #3733 from the November 21st meeting will be continued to January.

Continuation of application #3731, Allyson Meyer, 50 Park Row W230, Providence, RI 02903, applicant and Richard Toshack, P.O. Box 61, Center Moriches, NY 11934, owner, for permission to add a two car garage to the existing single family dwelling at 34 Bowden Avenue, Barrington, RI 02806; Assessor's Plat 33, Lot 59, R-10 District, 34 Bowden Avenue and King Philip Avenue (at the corner of County Road and New Meadow Road), Barrington, RI 02806, requiring dimensional relief for side yard setback from King Philip Avenue.

Present: Allyson Meyer, 50 Park Row W 230, Providence, RI
Lawrence Rousell, 3837 Charles Road, Cazenovia, New York

Mr. Rousell spoke to the Board on behalf of Ms. Meyer. Mr. Rousell works with Ms. Meyer at Right to Build. He noted that this is a 100 year old house that sits on a corner lot, which alone makes it unique. Ms. Meyer was originally scheduled to come before the Board prior to commencement of construction on the main addition to the house to seek approval of her garage (October), but that meeting was canceled and she was not able to address the Board until November 7th. By that time, construction had begun on her home because the contractor was set to go. Through her design plan, she has minimized the size of rooms to achieve the least relief necessary. She has even accomplished extra storage through the design of the bump-outs on the garage. Her garage is merely for parking and

has the minimum space required for such. None of the corner lots in the neighborhood meet the setback requirements; therefore, it is not out of character for the neighborhood.

There was no one in the audience to speak in favor or opposition to this application.

At 7:35 p.m., the public portion of the hearing was closed.

MOTION: Mr. Freel made a motion to approve this 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 applicant covered all possible ways to redesign the plan to fit the garage within the setbacks.
- It is 100 year old house with unique characteristics that are being preserved.

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.

Continuation of application #3734, Suriyont Mujjalinktrakool, 8 Joy Street, Barrington, RI 02806, applicant, and Benet Mainella, 105 Ferry Lane, Barrington, RI 02806, owner, for permission to install a handicap ramp and bathroom to meet ADA accessibility code and to expand parking spaces into a residential zone at 60 Maple Avenue; Assessor's Plat 23, Lot 9, Business and R-10 District, 60 Maple Avenue, Barrington, RI 02806, requiring special use permit for commercial parking spaces expanding into a residential zone and dimensional relief for side yard setback for ramp.

Present: Suriyont Mujjalinktrakool, 8 Joy Street, Barrington, RI 02806

Mr. Mujjalinktrakool brought in finalized plans which identify that the ramp meets the minimum requirements for handicap access and shows the exact amount of zoning relief required.

There was no one in the audience to speak in favor or opposition to this application.

At 7:48 p.m., the public portion of this hearing was closed.

MOTION: Mr. Venuti made a motion to approve the dimensional variance portion of this application. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- It is not practical to have the handicapped access on the other side of the building, due to the driveway to the parking lot.
- It is not practical to have the handicapped access in the rear of the building because it would go into the kitchen.
- The plan for the property is in line with the Comprehensive 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.

MOTION: Mr. Freel made a motion to approve the special use portion of this 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:

- To make reasonable use of the property for commercial purposes, parking into the residential zone is necessary.
- The plan for the property is in line with the Comprehensive Plan.

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met because the applicant has proved 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 be inimical to the public health, safety, morals and general welfare of the community; D) it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Continuation of application #3736, Atria Mgmt Co., LLC, 401 S. 4th Street, Suite 1900, Louisville, KY 40202, applicant, and VTR Bay Spring, LLC, 401 S. 4th Street, Suite 1900, Louisville, KY, 40202, owner, for permission to add a third sign at 147 Bay Spring Avenue; Assessor's Plat 1, Lot 36, EH District, 147 Bay Spring Avenue, requiring a special use permit for additional signage on the property.

Present: Christine D'Orsi Fitta, attorney, Higgins, Cavanagh & Cooney, LLP, 123 Dyer Street,
Providence, RI
Mr. Rivera, Application Manager, Atria Management Company

Ms. D'Orsi Fitta addressed the Board, who now had seen the recommendation of the Technical Review Board to approve this application for the new signage. She noted that 147 Bay Spring Avenue is the

address given to rescue vehicles and vendors to come to Atria, as this is primarily a service entrance.

There was no one in the audience to speak in favor or opposition to this application; however, Mr. Kraig noted that two people spoke previously in opposition to this application, as they were abutters and did not wish to see increased traffic being routed next to their property, nor did they wish to see any additional signage.

MOTION: Mr. Venuti made a motion to approve this application. Mr. Freel seconded the motion and it carried unanimously (5-0).

At 8:17 p.m., the public portion of this hearing was closed.

DISCUSSION:

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

- Technology that is used (GPS) will guide people to this service entrance.
- This service entrance needs to be clearly marked as such, so vendors and emergency vehicles know where to enter.

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met because the applicant has proved 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 be inimical to the public health, safety, morals and general welfare of the community; D) it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district. In addition, based on the evidence presented, the applicant has met the standard for relief from the standards in Section §185-97 A (2), which provides in part “that within the Neighborhood Business (NB), Business (B), Waterfront Business (WB) and Limited Manufacturing (LM) Districts, only the following signs shall be permitted: One flush wall sign not exceeding 15 square feet in area for the entrance façade of each business or building housing more than a single business establishment or activity, except that if the gross floor area (GFA) of a business exceeds 5,000 square feet, the maximum size of the permitted sign shall be 32 square feet for that business.”

Application #3737, L. S. Walsh, 23 Sheldon Street, Providence, RI 02806, applicant, and E & C Walsh, 11 George Street, Barrington, RI 02806, owners, for permission to add an addition containing a master suite, plant room and back entrance; Assessor’s Plat 37, Lot 46, R-40 District, 11 George Street, Barrington, RI 02806, requiring dimensional relief for exceeding lot coverage and side yard setback.

Mr. Walsh presented his plan for the addition, noting that the entire house is non-conforming; he is asking for a variance strictly due to the right of way: the entire property is quite large; however, there is a right-of-way that creates an additional side yard and greatly reduces the size of the lot for zoning purposes. The right of way is not in use and the property has open space behind it and all around it.

There was no one in the audience to speak in favor or opposition to this application.

MOTION: Mr. Freel made a motion to approve this 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:

- This property requires setback of 50' and the lot is only 100'.
- The right of way on the property is not in use.
- The property has open space behind it and all around it.

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 #3738, Gary Bolduc, Poynant Signs, 125 Samuel Barnet Boulevard, New Bedford, MA, 02745, applicant and Santander Bank, P.O. Box 14115, Reading, PA 19612, owner, for permission to replace existing Sovereign Bank signs with Santander Bank signs; Assessor's Plat 23, Lot 106, Business District, 272 County Road, Barrington, RI 02806, requiring amendment of previous special use permit, including size, colors and design of signs.

Mr. Bolduc addressed the Board, explaining that the current company, Santander, is redoing all of the old Sovereign Bank signs and replacing them with the new bank's name. They have brought their plan before the Technical Review Committee and have made the changes that committee recommended. There will be no additional signage, just changing the name.

At 8:43, the public portion of the hearing closed.

MOTION: Mr. Blasbalg made a motion to approve this 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 only changes being made is to the name presented on the signs and to their color – the sizes and locations will not be changed.
- The Technical Review Committee has reviewed the proposed new signs and the applicant has accepted the changes recommended by the Committee

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met because the applicant has proved 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 be inimical to the public health, safety, morals and general welfare of the community; D) it will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 8:45 P.M. Mr. Freel seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor