

ZONING BOARD OF REVIEW

Barrington, Rhode Island

March 20, 2014

APPLICATIONS: #3728, #3743, #3744

MINUTES OF THE MEETING:

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

Also present were Solicitor Andrew Teitz, Building Official Robert Speaker, and secretary Audra Raleigh.

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

MINUTES OF THE PREVIOUS MEETING:

Mr. Freel noted one change on the minutes from the February meeting, in the motion of application #3728, change (1) to begin "prior to the issuance of a building permit", delete that clause from the end of the sentence, and add "and thereafter" to the end of (1).

MOTION: Mr. Freel made a motion to approve the minutes of the February 20th meeting with the above noted change. Mr. Venuti seconded the motion and it carried unanimously (5-0).

Continuation of application #3744, St. Andrew's School, 63 Federal Road, Barrington, RI 02806, applicant and owner, for permission to provide rehabilitation to existing dormitory building and 5170 square feet proposed addition with associated grading, driveway, parking, storm water systems and utility expansion, Assessor's Plat 16, Lot 2, RE District, 63 Federal Road, Barrington, RI 02806, requiring relief for being within 100 feet of wetlands/waterbody.

Mr. Kraig noted that, due to lack of quorum, the St. Andrew's application would need to be continued to a special meeting on April 3, 2014,

MOTION: Mr. Rizzolo made a motion to continue this application to a special meeting on April 3, 2014. Mr. Venuti seconded the motion and it carried unanimously (5-0).

Application #3746, Christopher & Heather Crosby, 48 South Meadow Lane, Barrington, RI 02806, applicant, and 277 Rumstick, LLC., One West Exchange Street, 4th Floor, Providence, RI 02903, owner, for permission to demolish the existing house, merge the two lots into one lot, and build a new house, Assessor's Plat 10, Lots 105 & 97, R-40 District, (vacant lot) on Hoffman Lane and 277 Rumstick Road, Barrington, RI 02806, requiring dimensional relief for the new house on the combined lot from the front yard setback from Hoffman Lane .

Mr. Kraig noted that, due to lack of quorum, this application would need to be continued to the next regular zoning meeting, scheduled for April 17, 2014.

MOTION: Mr. Freel made a motion to continue this application to the next regularly scheduled meeting, April 17, 2014. Mr. Rizzolo seconded the motion and it carried unanimously (5-0).

Application #3745, Craig and Edit Mello, 25 Fessenden Road, Barrington, RI, applicants and owners, for permission to add a second floor to existing garage for private yoga studio and guest quarters with bathroom (and temporary kitchenette), Assessor's Plat 10, Lot 04, R-25 District, 25 Fessenden Road, Barrington, RI 02806, requiring relief for "accessory living quarter or guest house" on lot smaller than required lot area, and also requiring a temporary use variance (limited in time) for creating a second dwelling unit on the lot due to the cooking facilities in the "accessory living quarters or guest house" during the period when the main house is being renovated and is without a kitchen.

Present: Mike McCormick, architect, representing the property owners

Mr. McCormick stated that the owners wish to 1) lift the eave lines on the garage so they can have a full story above the garage, which will ultimately be used as a yoga studio and 2) accessory use – wants to live above the garage while main house is being renovated and therefore will need a temporary kitchen.

Mr. McCormick indicated that the owners are requesting a dimensional variance to put in the guest quarters above the garage and are requesting the special use permit due to the temporary living quarters (with kitchen) they are requesting. He also noted that there are three letters written by neighbors in support of this project from: Anne Moulton, Upkar & Sukhjit Dhillon, and Peter & Linda Christ.

There was nobody in the audience in favor or opposition to this application.

The public portion of the hearing closed at 7:40 p.m.

MOTION: Mr. Freel made a motion to approve the dimensional variance portion of this application with the condition that the accessory structure does not have a permanent kitchen. Mr. Venuti seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- The lot is significantly larger than 25,000 feet, but short of the 40,000 required.
- The homeowners are not expanding the footprint.
- Multiple statements of support from the neighbors were received.

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.

MOTION: Mr. Freel made a motion to approve the use variance portion of this application with the condition that the use variance is limited in duration; the sink and stove must be removed prior to the issuance of a final CO on the main house. Mr. Venuti seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- The applicant has established that without a functioning kitchen they cannot have any beneficial use of the property.
- This is being approved only for a temporary use while the main house is being renovated.

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 use variance set forth in Section §185-70 have been met because the applicant has proved that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter.

Application #3742, Rick DeSimone, 5 Starbrook Drive, Barrington, RI 02806 applicant and owner, for permission to build a new shed , Assessor's Plat 32, Lot 386, R-25 District, 5 Starbrook Drive, requiring dimensional relief from minimum setback requirement for 120 s.f. accessory structure from side and rear yards.

Present: Rick DeSimone, 5 Starbrook Drive, Barrington

Mr. DeSimone explained to the Board that he initially wanted to install a larger shed, but his neighbors were opposed to the size, so he compromised and made it smaller. He has a relatively small lot, but is in an R-25 zone. He is asking for 3 feet of relief on the side, and 4 feet of relief in the rear. They have limited storage space on the property and would like to use the garage (where they currently store items) for their cars.

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

The public portion of the hearing closed at 8:04 p.m.

MOTION: Mr. Venuti made a motion to approve the application. Mr. Freel seconded the motion

and it carried unanimously (5-0).

DISCUSSION:

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

- The applicant has a relatively small lot, 10,000 square feet in an R-25 zone.
- The applicant has consulted with his neighbors and is seeking a modest amount of relief.

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 #3747, Loredana Pollonio-Lister, 19 Payne Road, Barrington, RI 02806 applicant and owner, for permission to construct a new addition to existing building, and demolish existing garage and replace with a new two-story attached garage on Lot 21, conditioned upon approval of an Administrative Subdivision to move the lot line between Lots 20 & 21 by 10 feet northward, Assessor's Plat 7, Lots 20 & 21, R-25 District, 19 Payne Road and 50 Watson Avenue (corner of Payne Road and Watson Avenue), Barrington, RI 02806, requiring dimensional relief from the front yard setback from Payne Road, and from the rear yard setback on the northerly side of Lot 20 even after the Administrative Subdivision.

Present: Loredana Pollonio-Lister, 19 Payne Road, Barrington
Scott Weymouth, architect

Ms. Pollonio-Lister explained to the Board that she owns two abutting lots and there is a house on each lot. She currently has a two bedroom house and would like to add a third bedroom to accommodate family who visits from Europe, as well as use to the room as her office when she does not have visitors. She also would like to relocate the stairs and make them bigger to accommodate a chair-lift in the future, should she become unable to navigate the stairs. Applicant states that she is planning to live in this home for the remainder of her life. She wishes to add a 10' narrow addition in the rear of the house.

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

The public portion of the hearing closed at 8:25 p.m.

MOTION: Mr. Freel made a motion to approve the application upon the understanding that the improvements would be no closer than 10 feet from the side lot line, no closer than 24 feet on the front, and no closer than 15.8 feet in the rear lot line. Mr. Venuti seconded the motion and it carried unanimously (5-0).

DISCUSSION:

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

- The lot is uniquely long and narrow; any material change or addition to the building will require relief.
- There are substantially larger homes in this area.
- It is a reasonable request based on the surrounding neighborhood.
- The relief granted would be no closer than 10 feet from the side lot line, no closer than 24 feet on the front, and no closer than 15.8 feet in the rear lot line.

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 #3748, Megan & Craig Baillie, 55 Chachapacassett Road, Barrington, RI 02806, applicants and owners, for permission to demolish existing house and build a new house and new garage, Assessor's Plat 8, Lot 39, R-10 District, 1 Bay Avenue (corner of Bay Avenue, Bay Road, and Governor Bradford Drive), Barrington, RI 02806, requiring dimensional relief for front, side, and rear yard setbacks, and exceeding lot coverage.

Present: Megan and Craig Baillie, 55 Chachapacassett Road, Barrington

Ms. Baillie explained that they just recently purchased the house, with the intention of living there and fixing it up as time and money would allow. However, they were not aware that almost every surface in the home was painted with lead paint. Having two small children, they looked into lead remediation, which was cost-prohibitive. Upon further inspection, and talking with contractors about solutions, it was noted that the walls were like cardboard and the foundation was literally built on tree stumps; they were advised that the best solution would be to demo the house and build a new house.

Ms. Baillie further explained that this is a "double corner" lot, requiring three front yard setbacks of 25', which would only allow for a small rectangle of a house. Ms. Baillie noted that she spoke to her immediate neighbors, showing them her plans for the new house, which is in keeping with the character of the neighborhood and taking care to propose a height consistent with the neighborhood. They had a survey done and also compromised to make the side yard relief more manageable. She notes that the neighboring homes have similar lot coverage, but this lot is double the size. The neighborhood is predominately non-conforming, with this lot at 7,500 sq. ft. in an R-10 District.

The Board had concerns regarding the amount of relief the applicant was seeking and advised her to go back and see if further compromises could be made. Taking the Board's advice, the applicant requested to withdraw her application without prejudice.

Application #3750, Ladd Meyer, 39 Cady Road, Barrington, RI 02806, applicant and owner, for permission to build an addition on the rear of the existing home, Assessor's Plat 23, Lot 12, R-10 District, 39 Cady Road (corner of Cady Road and Cottage Street), Barrington, RI 02806, requiring dimensional relief from front yard setbacks on Cady Road and Cottage Street.

Mr. Meyer explained that his current house is 590 sq. ft. He is now married with a family and would like to add an addition which would give the home overall square footage totaling 2,000. Mr. Meyer noted that he petitioned all neighbors (except 2 that were not reachable) and there were no objections to his proposed plan for the addition.

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

The public portion of the hearing closed at 9:15 p.m.

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

DISCUSSION:

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

- Applicant is asking for a setback of 18' on the rear, and a setback of 17' on the side
- Existing house is only 590 square feet
- Applicant approached all but 2 neighbors and nobody had any objections
- The proposed addition will bring the house to about 2000 square feet; modest in size

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.

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 8:52 P.M. Mr. Rizzolo seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor