

ZONING BOARD OF REVIEW

Barrington, Rhode Island

April 17, 2014

APPLICATION #3746, 3751, 3752, 3753, 3754, 3755, 3756

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Elizabeth Henderson and David Rizzolo.

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. Rizzolo noted one change on the minutes from the March 20 meeting, in the discussion of application #3742, change “compromised” to “consulted”.

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

Continuation of 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.

MOTION: Mr. Blasbalg made a motion to continue this application due to a recusal by Mr. Rizzolo and the subsequent lack of a quorum. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

Application #3751, Joel & Samantha Messier, 120 Roffee Street, Barrington, RI 02806, applicants and owners, for permission to add a single car garage with storage, Assessor’s Plat 22, Lot 191, R-10 District, 120 Roffee Street, Barrington, RI 02806, requiring dimensional relief for side yard setback.

MOTION: Mr. Dennehy made a motion to continue this application due to a recusal by Mr. Blasbalg and the subsequent lack of a quorum. Mr. Blasbalg seconded the motion and it carried unanimously (5-0).

Application #3754, Barrington Boosters, PO Box 232, Barrington, RI 02806, applicant, and Town of Barrington, 283 County Road, Barrington, RI 02806, owner, for permission to replace wooden bulletin board in front of Barrington High School with LED sign inset into existing board, Assessor's Plat 21, Lot 04, OS-A District at the corner of Federal Road and County Road, Barrington, RI 02806, requiring variance for proposed internally illuminated sign on Town land.

The Board received a letter from Barrington Boosters asking to withdraw their application without prejudice.

MOTION: Mr. Dennehy made a motion to accept the withdrawal of this application without prejudice. Ms. Henderson seconded the motion and it carried unanimously (5-0).

Application #3752, Joseph & Kimberly Parker, 20 Albert Avenue, Barrington, RI 02806, applicants and owners, for permission to construct a new home while living in existing home, existing home to be demolished upon completion of new home; Assessor's Plat 14, Lot 71, R-25 District, 20 Albert Avenue, Barrington, RI 02806, requiring a variance to allow a second home on a single house lot.

Present: Joe & Kim Parker, 20 Albert Avenue, Barrington, RI

The applicants stated that they would like to build a new house on the lot where the existing house is located, and live in the existing house until the new house is completed. Once the new house is habitable, the existing house will be demolished.

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

MOTION: Mr. Rizzolo made a motion to approve this application with the condition that the first house must be demolished within two years of issuance of the building permit or 90 days from the issuance of the Certificate of Occupancy, whichever is sooner. 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:

- The situation is temporary.
- The Board takes confidence that the existing house will be demolished because the recourse for not following the ordinance for demolishing the existing house once the new house is built could be \$500/day fine.

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 and 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.

Application #3753, Table LLC., 8 Anoka Avenue, Barrington, RI 02806, applicant, and Yvonne Weiss, 23 Nayatt Road, Barrington, RI 02806 owner, for permission to have outdoor patio

seating with 4' high barrier within current patio space, Assessor's Plat 23, Lot 181, NB District, 8 Anoka Avenue, Barrington, RI 02806, requiring special use permit for restaurant outdoor seating area.

Present: Dr. Peter Weiss, Owner, Table LLC

The applicant would like to use half of the existing patio area to install 3 tables seating three for outside seating. There will be a 4' barrier, in which he would like to place large planters. The applicant explained that the outside seating is in lieu of inside seating, not in addition to. The property currently has enough parking for 30 patrons – patronage very rarely goes above 28 diners - and the applicant will not go above 30 seats, and will limit outdoor seating to no more than nine seats, as he wishes to continue to be sensitive to the neighbors. The applicant has a document which shows 80 petitioners

There were two people in the audience who spoke in opposition to this application:

- Rita Calitri, 36 Anoka Avenue, Barrington, RI
- John Davis, owns 17 Anoka Avenue, Barrington, RI

Both people spoke regarding the parking issue in the area. Both feel there is a safety issue and adding additional seating will compound the problem.

The Chairman reminded them that the only issue before the board on this application is outdoor seating; the restaurant will not be adding seating, but will redistribute its current seating to place some outdoors.

Dr. Weiss commented on the comment from the audience members who spoke, explaining that he met independently with the Police Chief to put up a sign so that people cannot park 30 feet from the stop sign to help with issues that the neighbors have. He has been very conscientious regarding noise and cleanliness of his building so that the neighbors would be only minimally affected.

There was discussion among the members of the Board and with the applicant as to the possibility of limiting total seating while outdoor seating is in use; the applicant was opposed to any limitation.

At 8:03pm, the public portion of the hearing for this application was closed.

MOTION: Mr. Blasbalg made a motion to approve this application with the following conditions: 1) that there be 9 seats at a maximum on the patio; 2) that the outdoor seating is restricted to 12 noon-8:30p.m., 7 days per week; and 3) that there are no more than 30 seats maximum at any given time, including indoor and outdoor seating. Mr. Rizzolo seconded the motion, with 4 members voting in favor and Mr. Kraig opposing; the application was approved (4-1).

DISCUSSION:

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

- There have been no complaints regarding noise or cleanliness of the building.
- The applicant already has appropriate parking.
- The applicant agreed to adhere to the aforementioned conditions.

Mr. Kraig indicated that he opposed the application because he felt that permitting outdoor seating, without any reduction in overall seating permitted during such periods as outdoor seating was permitted, would effectively increase seating and attendance; the applicant has indicated that the 30 seat capacity is very rarely reached, and in Mr. Kraig's opinion, outdoor seating would likely increase the frequency of reaching the 30 seat capacity, compounding parking problems in an already crowded area.

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 and 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.

Application #3755, Carlson Investments, 70 Mohawk Trail, Charlestown, RI 02813, applicant and owner, for permission to remove existing second floor and roof at 17 Colonial Avenue, Barrington, RI 02806 and to construct a new second floor and roof at same address, Assessor's Plat 28, Lot 209, R-10 District, 17 Colonial Avenue, Barrington, RI 02806, requiring front and side yard setbacks.

Present: John Hoyle, 1052 Great Road, Lincoln, RI. Principal of Limerock Associates
John Shekarchi, attorney, 132 Old River Road, Lincoln, RI
Edward Pimentel, AICP, 26 Avon Road, Cranston, RI

Mr. Pimentel addressed the Board and handed out a report that he completed after conducting site visits and analysis of the neighborhood. He noted that this is a pre-existing home, which was bought at auction "as is"; therefore, no inspections were done prior to the purchase. They are building-up the house to match the neighborhood versus asking for many more variances if the house were otherwise enlarged. The house is uniquely angled on the lot, and was built in 1922, prior to the existence of zoning ordinances. This is why they need relief, because it does not meet today's setbacks – they are staying within the existing footprint.

Mr. Hoyle said that modifications that were made to the house in the past were not done to building codes and the house is slowly falling down. Only the second floor needs to be rehabbed, as it is not structurally sound. The owner intends to fix the home and sell it.

The house currently has 822 sf., with a living room, bath, kitchen, enclosed porch, and 1 bedroom downstairs and 1 room on the 2nd floor. Due to the insertion of a vaulted ceiling in the living room, there is no floor space above the living area.

The proposed house will be approximately 1,500 sf. and will have a maximum of three bedrooms. The current second floor does not meet minimum ceiling heights of the building code. In order to fix the structural deficiency of the roof, they need to take the roof off completely. Increasing the height of the second floor only adds 200 sf. to the house, with 800 sf. on the first floor, and 600 sf. on the second floor.

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

At 8:53 p.m., the Chairman closed the public portion of this hearing

MOTION: Mr. Rizzolo made a motion to approve this application; Mr. Dennehy seconded the motion, and the application was approved unanimously (5-0).

DISCUSSION:

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

- The applicant is fixing a structural issue with the house.
- The new house will fit in with the neighborhood.
- The increase in ridge height will be 4 feet.
- Approval of this application will not cause any privacy issues for 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 #3756, Andrew DiOrio, 450 Maple Avenue, Barrington, RI 02806, applicant and Douglas DiOrio, 173 Maple Avenue, owner, for permission to maintain parking in the front yard for a new use as a training studio at 10 Vineyard Lane, Barrington, RI 02806, Assessor's Plat 22, Lot 537, NB District, 10 Vineyard Lane, requiring a special use permit for parking in the front yard. Parking is already existing in the front yard. However, Section 185-77 requires that current parking requirements be met if a use is changed, thus the new use of training studio requires a variance in order to maintain the front yard parking.

Present: Andrew DiOrio, 450 Maple Avenue, Barrington, RI

Mr. DiOrio stated that he wishes to move his business to a bigger building, with greater ceiling heights, as he works with athletes and needs more room to maneuver. He is seeking a special use variance due to zoning code with mandates the variance if the use of the building has changed. Mr. DiOrio currently has 1-3 clients present at any given time, so the impact on parking or street use will not be a factor.

Jason Sousa, 396 Maple Avenue, Barrington, RI spoke in favor of this application.

The Chairman closed the public portion of this hearing at 9:06 p.m.

MOTION: Mr. Rizzolo made a motion to approve this application; Ms. Henderson 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 application is required by zoning solely for change of use of the building, and the proposed new use will not result in greater intensity of use or parking issues.
- There are no additional issues regarding increased parking or traffic on the street.

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 and 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.

ADJOURN:

There being no other business, Mr. Blasbalg moved to adjourn at 9:15 P.M. Mr. Rizzolo seconded the motion and the meeting was adjourned.

Respectfully submitted,

Audra Raleigh, Secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor