

ZONING BOARD OF REVIEW

Barrington, Rhode Island

July 23, 2015

APPLICATIONS #3809, #3810

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Mark Freel, Elizabeth Henderson, Ladd Meyer and David Rizzolo.

Also present were Assistant Solicitor Amy Goins, Building Official Bob Speaker and secretary Mary Ann Rosenlof.

At 7:02 P.M., Mr. Kraig called the meeting to order.

MINUTES OF THE PREVIOUS MEETING:

MOTION: Mr. Rizzolo made a motion to approve the June 18, 2015 minutes as written. Mr. Blasbalg seconded the motion and it carried unanimously (5-0).

Application #3809, Eric Gardner, 1 Bowden Ave, Barrington RI, applicant and owner, for permission to construct a new house alongside the existing dwelling and then remove the existing building. Assessor's Plat 33, Lot 6, R-10 District, 1 Bowden Ave, Barrington, RI, requiring dimensional relief for front yard setback, home within 100' of wetlands, two principal residential buildings temporarily on lot, and requiring a special use permit for construction within 100' of Wetlands Overlay District.

Present: Eric Gardner, 1 Bowden Avenue, Barrington, RI
Elizabeth Buckley, 1 Bowden Avenue, Barrington, RI
Scott Weymouth, Arris Design, Inc., 14 Imperial Place, Providence, RI

In the audience: Cyndee Fuller, Conservation Commission
Elizabeth Holochwost, 6 Bowden Avenue, Barrington, RI

Mr. Gardner explained that their house, which they purchased last September, is very small - under 800 SF with 2 bedrooms for him, his wife and their two young children, and is also very close to the corner of Massasoit and Bowden. They would like to move it away from the corner, elevate it due to the flood zone they're in, and add a 2nd story for additional bedrooms. That would entail building a new house to the south of the existing house, although they do not require side yard setback relief. Where they do need relief is with respect to both the front yard setback and the distance from the wetlands / water body: there is an inherent tradeoff between the distance from the wetlands and the distance from the street – increasing one distance automatically reduces the other. In order to avoid additional disruption to their family, they would like to continue living in the existing house while the new one is constructed.

Mr. Weymouth submitted **Exhibit A** (4 pages) - an aerial photo of the area, photo of tire tracks on the lawn, and new drawings of the existing dwelling and proposed new dwelling; both dated 7/14/15.

Mr. Gardner submitted **Exhibit B**: a letter from the Principal/Wetland Biologist and the *Statement of Limitations* from CRMC in which it recommended that the proposed home be no closer to the water body than the existing dwelling.

The Board discussed whether sliding the proposed house farther to the north would appreciably increase the distance from the wetlands / water body, and concluded that it would not.

The Conservation Commission approved the application, with “standard” conditions.

Mr. Gardner submitted a letter of approval to the Board (**Exhibit C**) from his neighbor, Mr. Jerrod O’Conner, 7 Bowden Avenue, whose property is adjacent to Mr. Gardner’s.

Ms. Holochwost expressed approval and noted that she was very impressed with the Board and how it analyzed the situation.

The Board discussed with the applicant setting a timeline for removal of the existing home once the new home is built.

At 7:45 P.M., the public participation portion of the hearing was closed.

DISCUSSION:

- They are not seeking height or side yard relief
- The relief for the front yard setback is to gain the maximum distance from the wetland, and essentially maintains the distance of the current house from the street – this lot is relatively wide and shallow. Other homes in the area are about the same distance from the street.
- There would be little if any environmental gain from moving the new house farther north.

MOTION: Mr. Freel moved to approve the dimensional portion of this application for front yard setback & wetlands setback, and to maintain two dwelling units on the property for a limited time, all subject to the following conditions. Ms. Henderson seconded the motion and it carried unanimously (5-0).

- Erosion control features must be in place along the north, west and south perimeters of the property prior to and during all construction-related activities.
- All construction material and equipment must be stored street-side (along Bowden), away from the water.
- The new home must be completed within 2 years of issuance of a building permit unless the applicant shows proof of hardship.
- The existing house must be demolished within 90 days of the issuance of a Certificate of Occupancy for the new home.

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. 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 moved to approve the special use portion of this application relating to the Wetlands Overlay District with the same conditions set forth above. Ms. Henderson seconded the motion and it carried unanimously (5-0).

DISCUSSION:

- The Board relied on the facts and deliberation noted with respect to the dimensional variance.

REASON FOR DECISION:

It was the judgment of the Board that the general standards in § 185-73 have been met: 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 not result in or create conditions that 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. Additionally, the Board finds consistent with the standards as set forth in Section § 185-175 for *exemption* that any proposed construction which is no closer to the wetland than existing construction on the lot in question may be exempted from the one-hundred-foot setback requirement in § 185-174 if the Zoning Board of Review determines that there is no potential for significant environmental impact.

Application #3810, Douglas Moore and Susan Johnson, 21 Meadowbrook Dr., Barrington, RI, applicants and owners, for permission to replace existing house and garage with new house. Assessor's Plat 8, Lot 6, R-25 District, 15 Governor Bradford Dr., Barrington, RI, requiring dimensional relief for the height of a detached garage/workshop to be located in the SW quadrant of lot.

Board member David Rizzolo recused himself from this application.

Present: Douglas Moore, applicant & owner
Susan Johnson, applicant & owner

In the audience: Patrick Collins, 9 Governor Bradford Dr., Barrington, RI

Mr. Moore explained that they have owned this house since 1999 with their 3 children, and have outgrown its 900 square feet. They are not currently living in the house. They would like to replace this house with a new structure with no garage, and repurpose the core portion of the existing home by relocating it to the SW corner of the lot and using it as a garage/workshop. The portion to be moved contains a living room, dining room and small kitchen on the 1st floor and 2 bedrooms and a bathroom on the 2nd floor. The 1st floor would be gutted and the 2 bedrooms on the 2nd floor would remain. The 2nd floor bathroom would be removed. The upstairs portion of this structure will be used for storage or

as a bonus room for the kids.

Mr. Moore is asking for a height variance for the relocated structure which will be approximately 23' as opposed the permitted 18' for an accessory structure.

The Board asked if they had considered building a new structure alike to the existing house but conforming to the height limit for an accessory structure. Mr. Moore said that they had considered it but would like to reuse what is a perfectly good structure. Ms. Johnson explained that the repurposed structure would fit within the character of the neighborhood, their children grew up here and the family has an attachment to the structure, and they already own it.

Mr. Moore submitted **Exhibit A** to the Board (6 pages) showing nearby accessory structures.

Mr. Collins, a neighbor, spoke in favor of the application.

Mr. Moore submitted a letter of approval to the Board (**Exhibit B**) from neighbors Chris Rein & Candace Clavin, 33 Water Way, Barrington, RI.

The Board indicated that it was having difficulty meeting the *hardship* and *least relief necessary* aspects of the Zoning Ordinance when they can either build a new accessory structure that meets the height requirements or build a new home without an accessory structure.

At 8:35 p.m., the public participation portion of the hearing was closed.

DISCUSSION:

- There does not seem to be a need for so much storage space above the garage when there will be a full basement, and there will be a family room for the kids
- The applicant's reason for repurposing the existing structure is mainly for its appearance

Mr. Kraig reopened the public portion of the hearing in order to offer the applicants the opportunity to withdraw their application. The applicants stated that they would like to withdraw without prejudice.

MOTION: Mr. Freel made a motion to allow the applicants to withdraw the application without prejudice to their re-presenting it with new notice and a new application. Mr. Meyer seconded the motion and it carried (4-1).

ADJOURN:

There being no other business, Mr. Freel moved to adjourn at 8:50 p.m. and the meeting was adjourned.

Respectfully submitted,

Mary Ann Rosenlof, secretary
Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor, Amy Goins, Assistant Solicitor