

# ZONING BOARD OF REVIEW

Barrington, Rhode Island

October 15, 2015

APPLICATIONS #3815, #3820, #3821

## MINUTES OF THE MEETING:

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

Also present were Solicitor Andy Teitz, Building Official Bob Speaker and secretary Mary Ann Rosenlof.

At 7:07 P.M., Mr. Kraig called the meeting to order.

## MINUTES OF THE PREVIOUS MEETING:

**MOTION:** Mr. Rizzolo made a motion to approve the September 17, 2015 minutes as written. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

**Continuation of Application #3816, Louis Jendza, 85 Boyce Ave., Barrington, RI, applicant and owner, for permission to rebuild home due to fire damage and add 2<sup>nd</sup> floor addition. Assessor's Plat 34, Lot 44, R-10 District, 85 Boyce Ave., Barrington, RI, requiring dimensional relief for maximum lot coverage, rear yard setback, side yard setback, and for construction within 100' setback from wetlands/water bodies.**

Mr. Kraig reported that the Board received a written request dated October 12, 2015 from applicant Louis Jendza requesting a continuance of his application #3816 until the November 19, 2015 meeting because they are not yet ready to proceed.

**MOTION:** Mr. Rizzolo made a motion to approve the request for a continuance until the November 19, 2015 meeting. Mr. Blasbalg seconded the motion and it carried unanimously (5-0).

**Continuation of Application #3815, Mario Andreozzi, 14 Vineyard Ln., Barrington, RI, applicant, and owners Shaun & Jennifer Gaus, 9 Owings Stone Rd., Barrington, RI, for permission to add a family room/bedroom. Assessor's Plat 25, Lot 474, R-25 District, 9 Owings Stone Rd., Barrington, RI, requiring dimensional relief for front yard setback, minimum lot area, and maximum lot coverage.**

Present: Mario Andreozzi, contractor and applicant  
Shaun Gaus, 9 Owings Stone Road, Barrington, RI, owner

Mr. Andreozzi explained that at the request of the Board at the September 17, 2015 meeting, he has revised his plans to reduce the north / south dimension of the addition by approximately 1' 6", and has also moved it to the north by approximately 6 inches, bringing it right to the trim of the window that is situated there; as a result of these two changes, the addition will be 27' 6" from Honeysuckle Court, as opposed to 25' 6" in the original proposal. The revision also reduces the square footage of the addition

from 315 SF to 288 SF. He and Mr. & Mrs. Gaus have looked at many alternatives in order to meet the requirements of *least relief necessary* and they feel that this is the best design, especially for the master bedroom, in order for it to be functional and one that would appeal to potential buyers of the home in the future.

Mr. Gaus said that it is not practical to build into the back of the yard because he has 4 children and needs a decent size back yard where his kids can play and practice sports. The side yard is not a useable size.

At 7:37 p.m., the public participation portion of the hearing was closed.

**DISCUSSION:**

- The impact on the neighborhood has been lessened by stepping this façade back 2 feet. The addition is less intrusive and noticeable from the street. It will fit in with the neighborhood.
- They have met the *least relief* requirement because an addition of this size is needed to provide room for a bed and closets. They looked at alternative designs and discussed putting the closets on the south side but they need a window there to be able to see the kids in the back yard.
- The hardship is due to the existing location of the house and it was difficult to find the best location to add a family room and master bedroom given the current layout of the home.

**MOTION:** Mr. Rizzolo made a motion to approve this application with the condition that the new addition is to be no closer than 27' 6" from the property line on the Honeysuckle Court side and that it is 17' 6" by 16' 6", measured on the outside of the framing. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

**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.

**Application #3820, Stephen Petrucci, 21 Massasoit Ave., E. Providence, RI, applicant, and Frances Riendeau, 15 Oak Grove Ave., owner, for permission to build a 3-season room, Assessor's Plat 30, Lot 139, R-10 District, 15 Oak Grove Ave., Barrington, RI, requiring dimensional relief for front yard setback.**

Present: Stephen Petrucci, applicant and contractor  
Michelle Riendeau, daughter and Power of Attorney for owner, Frances Riendeau

The Board was presented with the Durable Power of Attorney documentation that will be included with the application packet.

Mr. Petrucci said that Ms. Riendeau would like to put a simple, non-heated 10'x11' three-season room on the side of the house and needs relief from the front yard setback – although it would be farther from

the property line than the existing house is.

The Board asked why the room could not be put in the back of the house. Mr. Petrucci indicated that if the room were placed there, the light to the living room provided by the windows in the back would be lost. In addition, Mr. Petrucci explained that there is already an exit door in the living room on that side of the house and by adding the 3-season room on that side, he could use the existing doorway as an entry point to the proposed room and also not have to alter the arrangement of the electrical and heating systems. The existing home is already within the front yard setback and the proposed room goes no closer to the property line. The applicant would like an enclosed room to enjoy the outdoors without being bitten. In addition, if the proposed the 3-season room, as designed, were moved farther back, it would not meet the town's required 110 mph wind endurance test.

In response to questions from the Board about the existing deck and porch in the back of the house, Ms. Riendeau said that they are used by her sister, brother-in-law and their children, with whom she shares the house. Ms. Riendeau has her own living room, bedroom and bathroom on her side of the house and the 3-season room would be for her use. There are no separate cooking facilities in her part of the house.

At 8:07 p.m., the public participation portion of the hearing was closed.

**DISCUSSION:**

- This proposed room would be set back significantly farther from the road than the existing house
- Moving the room to the rear of the house would result in the loss of considerable light from the windows that would be lost
- The 3-season room could not meet wind requirements if it were relocated.
- The hardship in not having an enclosed room is that you cannot enjoy being "outside" without being bitten by mosquitoes and other bugs.
- This 3-season room is about as small as possible while still functioning.

**MOTION:** Mr. Freel made a motion to approve this application with the condition that the proposed 3-season room can be no closer than 16' 6" from the property line. Mr. Dennehy seconded the motion and it carried unanimously (5-0).

**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.

**Application #3821, Jose & Fatima Dutra, 199 Rumstick Rd., Barrington, RI, applicants and owners, for permission to replace an existing barn with an accessory structure – greenhouse/shed., Assessor's Plat 10, Lots 94 & 3, R-40 District, 199 Rumstick Rd, Barrington, RI, requiring a special use permit for accessory use (greenhouse) exceeding 1,500 cubic feet.**

Present: Anthony DeSisto, attorney, 450 Veterans Memorial Parkway, East Providence, RI  
John Melo, contractor

The Dutra's have owned the lot ("lot 94") on which their house is sited for many years; they purchased "lot 3" early in the year when it became available. Due to inadequate frontage, "lot 3" was merged with "lot 94". The proposed greenhouse/shed will be the only structure on former "lot 3". With the lots merged, the greenhouse/shed is considered an accessory structure, and because half of it will be a greenhouse, the building inspector has determined it to be a greenhouse.

The owners would like to demolish the existing barn on "lot 3" and construct a greenhouse/shed to accommodate Mr. Dutra's hobby as a horticulturalist. In particular, the greenhouse would be used to winter over one hundred fruit trees not suited to Zone 6 that are in large containers. The other half of the structure will be used as a shed for storage. The trees have been wintered-over wrapped in plastic and many are lost each year.

Mr. Melo said that the greenhouse portion would be 8,000 cubic feet or 20'x50' x 8' in height. However, taking into account the entire structure, with a peak height of 18', the structure would be 29,120 cubic feet where 1,500 cubic feet is permitted for a greenhouse.

The Board considered the massing of the structure and how it will appear on the property and to the neighbors. A height variance is not sought. The footprint of the structure would be 40' x 52'. The existing barn is 32' 50' with a height of 21 feet. The greenhouse will not be in the same location as the barn, but farther to the north and east, and the front of the greenhouse will be rotated 90 degrees.

Mr. Melo said that there will be no plumbing (sewer or water connections). They would come back before the Board if they were to ask for plumbing in the future. There may eventually be electricity. This will never be converted into a residence. The heating system would consist of a wood burning furnace inserted into the masonry fireplace.

The Board voiced concern that the size of the proposed structure is in excess of 10 times of the cubic dimensions allowed and questioned the hardship to the applicant if the application were not granted. Mr. DeSisto said that the issue is less one of hardship than of whether it is scaled to the size of the property and where it would be located. He argued that this structure is appropriate for a lot of just under 3 acres that already has an existing structure that is taller and roughly the same size. Mr. Dutra also feels that this structure is scaled appropriately to fit not just with his own property, but with the surrounding properties and neighborhood.

Mr. Teitz expressed the opinion that while the notice referenced a special use permit, because it is a variance for size; it is a request for a dimensional variance and the Board should apply the applicable standards for a dimensional variance. The notice and agenda clearly specified the purpose of the hearing - to replace an existing barn with an accessory structure – greenhouse/shed.

Mr. Rizzolo inquired about the exterior of the structure, it is not clear from the application if it would have a commercial or residential feel on both the greenhouse and the shed sides. Mr. Melo said that it will have a residential feel but the materials have not yet been selected. The greenhouse/shed will be strictly functional for Mr. Dutra's many types of trees and equipment. There will be a double door where his tractor can enter the greenhouse and move the trees about.

The Board questioned placing the new structure closer to the north side property line versus moving it closer to the middle of the property. Mr. Melo said that it must be in that location to move tools and

equipment between the shed portion and the large existing garden - there is a door on that side of the shed.

In response to concern from the Board that the proposed structure would be visible from the road, Mr. DeSisto said that it would be acceptable if the Board were to place a condition that there be landscape screening.

Mr. Teitz said that it is appropriate to consider the entire structure as a greenhouse since this has been indicated as the primary use. Therefore, the Board can consider the entire size of 29,120 cubic feet when making a decision for this application.

At 9:00 p.m., the public participation portion of the hearing was closed.

**DISCUSSION:**

- While the greenhouse will be visible to three neighbors, none has expressed opposition.
- The material of the proposed structure has not yet been decided. Because this is extraordinarily large and in order to see how this would impact the feel of the neighborhood, the Board would like to see a better depiction of the exterior of the structure and building materials to be used, and how it will look on the lot. Mr. DeSisto said that Mr. Dutra will gladly provide more detailed plans and specifications. Mr. Rizzolo would also like to know how the interior space would be used and a general understanding of why the greenhouse needs to be this big. An idea of the approximate number of trees and their size would be helpful as well as the amount of tools and equipment that would be stored in the shed for that size justification as well.
- The Board requested that the applicant also supply an aerial/satellite view of the property to include the house and the homes of the immediate neighbor's. The map should be marked as to where the proposed structure would be located as well as the locations of the existing shed and garden.

Based on the discussion above, Mr. DeSisto asked for a continuance to the December 17, 2015 meeting.

**MOTION:** Mr. Dennehy made a motion to continue this application to December 17, 2015.  
Mr. Meyers seconded the motion and it carried unanimously (5-0).

**ADJOURN:**

There being no other business, Mr. Rizzolo moved to adjourn at 9:10 p.m. and the meeting was adjourned.

Respectfully submitted,

Mary Ann Rosenlof, secretary  
Thomas Kraig, Chairman

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