

ZONING BOARD OF REVIEW

Barrington, Rhode Island

March 17, 2016

APPLICATIONS #3836, #3837 and #3838

MINUTES OF THE MEETING:

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

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

At 7:00 P.M., Mr. Kraig called the meeting to order.

OTHER BUSINESS

Nomination and election of Zoning Board Officers for 2016:

Nomination made by Mr. Blasbalg to elect Mr. Kraig as Chairman. Mr. Rizzolo seconded the nomination and it carried unanimously (5-0).

Nomination made by Mr. Rizzolo to elect Mr. Freel as Vice Chairman. Mr. Blasbalg seconded the nomination and it carried unanimously (5-0)

MINUTES OF THE PREVIOUS MEETING:

MOTION: Ms. Henderson made a motion to approve the February 18, 2016 minutes as written. Mr. Freel seconded the motion and it carried unanimously (4-0), with Mr. Blasbalg and Mr. Rizzolo, neither of whom had attended the meeting, not voting.

Application #3836, Adam Broomhead, 46 Annawamscutt Rd., Barrington, RI, applicant and owner, for permission to add a 2nd story addition. Assessor's Plat 3, Lot 134, R-10 District, 46 Annawamscutt Rd., Barrington, RI, requiring dimensional relief for front yard setback.

Present: Adam Broomhead, applicant & owner
Sarah Broomhead.
Scott Weymouth, architect

Mr. Broomhead explained that they would like to expand their small 912 square foot house by building an addition over the existing structure. They have a 2 year old child and are expecting a second child and need additional living space.

Mr. Weymouth further explained that the 2nd floor addition requires front yard relief because a portion of the addition extends beyond the existing footprint. They are going no closer to the street than the house already is and are taking off 6' by removing an existing one-story porch. In addition, 18" of relief is needed for the front door overhang.

This design stems from the unique characteristics of the property in that it is an L-shaped lot and is close to the street, as are all the neighboring houses. The building official advised that the raised terrace (landing) that will be used to get in and out of the house in the rear does not require relief because it is made of landscaped stone.

The Chairman noted that there were three letters submitted from abutters in favor of this application: Caroline Danish, D.D.S., 105 Alfred Drowne Rd.; John and Nina Wilcox, 105 Alfred Drowne Rd.; Jodi & Doug Kelsey, 49 Annawamscutt Rd.

MOTION: Mr. Freel made a motion to approve this application with the notation that the front wall of the proposed garage is 18' from the property line as indicated on the drawing. In addition, the Board is affording relief for an 18" bracketed overhang at the garage for a small protective roof.

Mr. Blasbalg 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 because this is an unusual L-shaped lot, and the existing house is in the smaller / less deep section of the L so they are confined to a much smaller area that is within the required setbacks in that portion of the lot; 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 because there is no indication that the applicant has done anything to create the situation, and the applicant's family needs added space; 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 because there are all small lots in this area, many homes are fairly close to the road, and this proposal will not be out of character with the neighborhood; D) that the relief to be granted is the least relief necessary because the proposed addition is not only going no closer to the street, but the incursion is actually going to be reduced by 6' by the removal of the front porch. The encroachment of the front yard at the steps on the addition and on the far corner of the house are both de minimus; particularly at the corner where it is just six inches. 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 because they have an extremely small existing house and while they are increasing it substantially; they are doing so within the permitted lot coverage. Therefore, the burden would confine them with a growing family to a very small house on a lot that is capable of handling a much larger structure.

Application #3837, Christina & Joshua Glass, 18 Houghton St., Barrington, RI, applicants and owners, for permission to add an addition. Assessor's Plat 19, Lot 154, R-10 District, 18 Houghton St., Barrington, RI, requiring dimensional relief for side yard setback to Connecticut Ave.

Present: Joshua & Christina Glass, applicants

In the audience: Ron Tarro, 6 Connecticut Ave., abutter
Ed Troiano, 4 Connecticut Ave., abutter

The applicant explained that they wished to add a moderate size master bedroom / master bath. The only possible locations for an addition are either on the Connecticut Avenue side, as proposed, or the opposite side, where the garage / breezeway are located. However, those structures – not part of the house as originally constructed – are not suitable for conversion to master bedroom use and would have to be substantially demolished; furthermore, an addition on that side of the house would place the master bedroom off the kitchen, not a workable arrangement. Thus, the applicant proposes to add on the Connecticut Avenue side, where access would be from a back hall. Upstairs in the addition would be a home office, accessed via a spiral staircase from the master bedroom and also from an upstairs bedroom.

In order to minimize the incursion into the Connecticut Avenue setback, the proposed addition wraps around the existing house, putting part of the new bath behind the house. The new master bedroom is not large – approximately 12' x 14', plus closet and shelf space. At its closest, it would be 12' 8" from the property line – but because this is a corner lot, that side is treated as a front yard and has a 25' setback requirement from which they need relief.

The applicants spoke with 90% of their neighbors within the 200' radius, all of whom were on board with the project. With respect to the character of the neighborhood, there are a number of homes in the area that are closer to the street than their proposal - corner lots at 22 Houghton St., 7 Joanne Dr. and 11 Joanne Dr. are all closer to the street. In addition, the addition is designed so as to fit within the feel of the existing house.

Mr. Tarro and Mr. Troiano spoke in favor of this application. Seven letters from abutters, including one from Mr. Tarro, were provided in support of this application.

MOTION: Mr. Freel moved to approve the application. Ms. Henderson seconded the motion and it carried unanimously (5-0).

REASON FOR DECISION:

It was the judgment of the Board that the standards of § 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 because this is an unusually shaped lot fronting on two streets and the existing house is quite small; 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 because there is no evidence of any prior action by the applicants that contributed to this situation; 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 because there are other corner houses in the area equally close to the street and there is strong neighborhood support for the application. In addition, the additional 6' of grass between the property line and the pavement gives the appearance of the house being further from the street; D) that the relief to be granted is the least relief necessary because they are asking for only 480 additional square feet and have placed part of the addition behind the existing house. 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 because the existing house is quite small and inadequate for the applicant's family.

Application #3838, Shelley Cortese, 29 Barrington Ave., Barrington, RI, applicant and owner, for permission to install a 6' stockade fence. Assessor's Plat 22, Lot 79, R-10 District, 29 Barrington Ave., Barrington, RI, requiring dimensional relief for front yard setback.

Present: Shelley Cortese, applicant and owner

Mr. Cortese explained they have small domestic animals and small children and wish to construct a 6' fence to serve as a privacy wall. This is a fairly highly traveled road where there is a lot of noise pollution, plus wildlife such as fishers and coyotes that they wish to block out by installing the fence. There had previously been a 4' stockade fence and people would throw things into their yard. The applicant believes that a 6' fence would serve them better than a 4' fence based on their experience living at this property.

The Board said that they did not see fences of any substantial height in the area of the applicant's property and that it would not fit in with the neighborhood; rather a fence of that height would change the feel of the neighborhood by creating a "wall".

The Board suggested that the applicant could achieve the same benefit as a 6' fence by installing a permitted 4' fence with plantings such as arborvitae around the fence in order to cut down on the noise pollution. The plantings would grow taller than the fence and would serve as a privacy barrier as well.

Ms. Cortese asked to withdraw her application.

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

ADJOURN:

There being no other business, Ms. Henderson moved to adjourn at 8:18 p.m. and the meeting was adjourned.

Respectfully submitted,

Mary Ann Rosenlof, secretary

Thomas Kraig, Chairman

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