

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of February 5, 2013 Meeting

Present: David DeAngelis-Chair, John Bart–Vice Chair, Mark Enander, Stephen Kearns, Lori Lyle, John Barr, Anthony DeSisto, Esq. (Town Solicitor)

Excused: Barry Nickerson

Minutes

Motion made by Member Bart to accept the January 2013 Minutes as presented. Motion seconded by Member Barr. Motion carried by all present.

Correspondence

None

Applications:

BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit to allow an indoor recreational use of a party venue for property located at 40 Walker Street, Lincoln, RI.

AP 2, Lots 84/96 Zoned MG 05

BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI – Application for a Use Variance to allow parking on another lot other than the lot where the use is taken place. Proposed parking on lot 96 for use on Lot 84, Walker Street, Lincoln, RI.

84/96 Zoned MG 05

AP 2, Lots

Represented by: Attorney Robert Hurley

Attorney requested that the two applications be continued to the April agenda to allow time to meet with the Town Planner and Zoning Official to address concerns.

Motion made by Chairman and seconded by Member Bart to continue the application to the April agenda. Motion carried by all present.

Michael V. St. Martin, 3 Longmeadow Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback relief for the construction of a deck.

AP 28, Lot 92 Zoned: RA 40

Represented by: Mark Krieger, Esquire, 132 Old River Road, Lincoln, RI

Chairman called application. No one present. Chairman moved application to the bottom of the agenda.

Glenn R. Bruno/Blue Street Partners LLC, 393 Reservoir Road, Cumberland, RI 02864 - Application for Dimensional Variance seeking side yard setback relief for the construction of an addition on a commercial building located at 40 Albion Road, Lincoln, RI.

AP 28, Lot 146 Zoned: MG-0.5

Russell Hervieux, Zoning Official address the Board and stated there was a notice issue with the application. The State of Rhode Island requires notice be advised two weeks prior to the hearing. The application was not advertised in a timely manner. Applicant can agree to proceed at his own risk. He stated to the Board that he did wish to do so.

Tenants at the site are Fortune 500 companies. Applicant is proposing a 4,000 sq.ft. addition and would like to construct a small conference on the second floor above the addition.

Chair read into the record standards that need to be met for a Dimensional Variance.

Addition space is for warehousing. Property currently has 23,000 sq.ft. and is 100% occupied. Applicant needs 29.5 feet of relief on the west side of the existing building. Name of proposed tenant cannot be disclosed but supports CVS.

Russell Hervieux, Zoning Official informed the Board that he did not receive a parking layout for review but the site plan shows more than adequate parking at the site.

Applicant does not plan on having a retail center at the site and parking should not exceed 5-6 spaces. There will be no elevator within the addition.

Chairman read into the record Technical Review Committee/Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application according to the submitted plans for a dimensional variance from the side yard setbacks for the construction of an addition to an existing commercial building. The proposed dimensional variance is needed due to the Towns of Lincoln and Smithfield's boundary line that separate this parcel of land. If this division did not exist, the propose project would not require zoning relief. The Broad finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The Planning Board feels that granting the dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

No opposition present.

Motion made by Chairman to approve the application seeking 29.5 feet on the west side. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- 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.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience.**

Motion seconded by Member Enander. Motion carried by all present.

Michael V. St. Martin, 3 Longmeadow Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback relief for the construction of a deck.

AP 28, Lot 92 Zoned: RA 40

Represented by: Mark Krieger, Esquire, 132 Old River Road, Lincoln, RI

Chairman called application. No one present. Chairman stated there was no evidence being presented as to why the application should be approved. No opposition present.

Motion made by Chairman to deny the application as it lacked evidence to support its approval. Motion to deny seconded by Member Enander. Motion carried by all present.

Motion made by Member Barr to adjourn the meeting. Motion seconded by Vice Chair Bart. Motion carried by all present.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary