

**Town of Lincoln**

**Zoning Board of Review**

**100 Old River Road, Lincoln, RI**

**Minutes of April 1, 2014 Meeting**

**Present: David DeAngelis-Chair, John Bart-Vice Chair, Mark Enander, Lori Lyle, Stephen Kearns, John Barr, Town Solicitor**

**Minutes**

**Motion made by Member Bart to accept the March 4, 2014 Minutes as presented. Motion seconded by Member Kearns. Motion carried by all present.**

**Correspondence**

**None**

**Miscellaneous**

**Chairman informed the Board that Stephen Kearns is now a permanent Board member for District 5.**

**Applications:**

**Silvia Savoretti, 4 Erica Drive, Lincoln, RI – Application for Special Use Permit to renew a Special Use Permit granted on May 5, 2009 for an accessory family dwelling unit at 4 Erica Drive, Lincoln, RI**

**AP 26, Lot 136 Zoned: RA 40**

**This application represents a request for a Special Use Permit for an accessory family dwelling unit. This application is actually a renewal of a SUP which was approved on May 5, 2009. Town ordinance section 260-9L requires that a SUP for an accessory family dwelling unit be renewed every five years by this Board. The applicant has met all other criteria under the ordinance for this request. Russell Hervieux, Zoning Official informed the Board all proper documents have been filed.**

**Motion made by Chairman to approve the application. Motion seconded by Member Bart. Motion carried by all present.**

**Domenic Grieco, 2 King Philip Road, Lincoln, RI- Application for Dimensional Variance seeking lot coverage relief for new house, pool and cabana located at 7 Christopher Drive, Lincoln, RI.**

**AP 42, Lot 113 Zoned: RA 40**

**Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI**

**Zoning Official's report indicated his application represents a request for a Dimensional Variance of lot coverage relief for a pool and cabana. A similar application was before the Board at the February 4, 2014 hearing but was denied. The applicant has removed the portico from that application for consideration under this request. The Board would need to decide if this request is a substantial change from the**

previous request in order to hear this application under section 260-83 of the zoning ordinance. The applicant proposes an 800 square foot pool along with a 498 square foot cabana on the same site as a 6,671 square foot house. The square footage of these structures divided by the lot square footage comes out to 18.8% lot coverage which 15% is allowed. Therefore the applicant would need a 3.8% lot coverage relief.

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

Applicant has made significant changes to his original application which was previously denied at the February 2014 meeting. Protocol is that an applicant cannot return before the Board for one year unless they can show substantial changes to the original application. The portico shown on the original application has been eliminated from the plans before the Board this evening. Applicant has regrouped and brought in an architect to make changes to his original plans.

**Witness**

**Edward Pimentel, AICP**

Original application heard in February had issues with the lot coverage and setback. Applicant has reduced the size of two structures and eliminated the portico to reduce lot coverage and eliminated the setback request. Original relief for lot coverage was

**4.02% - now seeking 3.8% lot coverage relief. Inground pool at the site is 800 sq. ft.**

**Witness**

**Tom Paterson**

**Cabana will be less than 500 sq. ft. including the roof.**

**Chairman asked Board members to vote regarding hearing the revised application which shows applicant has made substantial changes to his plans. Chairman, Members Bart, Kearns, Enander, and Barr voted aye. Application opened for hearing.**

**Chairman read into the record standards that need to be met for a Dimensional Variance seeking lot relief.**

**Witness**

**Edward Pimentel, AICP**

**He noted that there are other homes in the area which are over the required 15% lot coverage requirement by the Town. Asking for 3.8% lot relief is not excessive. Mr. Pimentel is familiar with all the burdens and what applicant is asking for will not alter the character of the neighborhood which is an approved subdivision. This is a unique burden for the applicant and neighbors are in favor of the application.**

**No opposition present.**

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

**Members of the Technical Review Committee visited the site and reviewed the recently revised plans and application. The revised plans and application eliminate the need for a dimensional variance. The applicant now seeks only lot coverage relief. The lot coverage relief is needed due to the addition of the proposed swimming pool and enclosed cabana. The existing 6,266 square foot house utilizes 14.75% of total lot coverage. The proposed total lot coverage would be 18.8%. Therefore, a dimensional variance of 3.8% lot coverage relief is required.**

**The Planning Board recommends Denial of the application for lot coverage relief for the construction of a proposed swimming pool and enclosed cabana. The Planning Board feels that the application does not meet any of the standards for lot coverage relief as presented in the Zoning Ordinance. The applicant did not offer any compelling reasoning for their request within their application. The Planning Board feels that the current site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.**

**Motion made by Chairman to grant 3.8% lot relief for property located at 2 King Phillip Road, Lincoln, RI. 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 Bart. Motion carried by all present.**

**Waterloo Way LLC, 3900 NW 2nd Avenue, Miami, FL – Application for Special Use Permit for indoor recreational use in an industrial facility located at 100 Higginson Avenue, Lincoln, RI.**

**AP1, Lot 133 Zoned: MG 05**

**Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI**

**Zoning Official's report stated this application represents a request for a Special Use Permit for an indoor recreational use in a manufacturing zone. The applicant proposes to use a portion of the Storage America building (formerly Collyer Wire) for an indoor mini race car track. This use would require a Special Use Permit under section 260-10J of the zoning ordinance. The parking area shown on**

**the plan does not exist but is used for trailer and self storage vehicles. Signage has not been addressed in the application and has and continues to be an issue at this parcel. Very little information on safety/parking lighting has been produced. These issues and the relocation of all the storage in front should be completed prior to any approval or business opening**

**Chairman read into the record standards that need to be met for a Special Use Permit**

**Witness**

**Edward Pimentel, AICP**

**Several months ago site plans for the proposed use were submitted to the Zoning Official for review. Applicant also met with an architect to finalize plans before the Board this evening. The go carts will be adjacent to the rock climbing vendor at the site. All the go carts will be electric and there will be no fumes. This is a conditionally permitted and authorized use which meets all criteria. The area is primarily 53 acres of heavy industrial land. Applicant meets all the standards and it is their intent to improve the site and they will need to verify designated parking before obtaining a certificate of occupancy. There are 50 allocated parking spaces for this use. Signage will be per zoning requirements of 64 sq. ft. per business. Lighting details will be worked out with the Zoning Official and Town Planner. Russell Hervieux, Zoning Official stated there are no freestanding lights at the site and he needs to see a plan detailing**

**lighting at the site.**

**Member Lyle asked the location of the other site owned/operated by Waterloo and if the proposed site was 72,000 sq. ft. Witness replied they are located in Virginia or Maryland and the square footage is correct.**

**Russell Hervieux, Zoning Official stated the building prior to the rock climbing business was a manufacturing/storage facility and number of parking spaces was determined by number of employees at the site. If the use changes on the property the number of parking spaces needs to change.**

**Chairman asked in addition to racing what other activities will be on site. Attorney Shekarchi replied it would just be go cart racing.**

**Chairman addressed Attorney Shekarchi stating it may be prudent to continue the application as presented allowing applicant time to amend it and provide more information regarding parking issues. Application would need to be readvertised. Chairman asked if would be possible for a representative to be present at the May meeting to address any concerns the Board might have and give more specifics on the proposed use and layout. Attorney Shekarchi agreed.**

**Motion made by Chairman to continue the application to the May agenda. Motion seconded by Member Enander. Motion carried by all**

present.

**Brad Russo, 3 Rockycliff Drive, Lincoln, RI – Application for Dimensional Variance seeking front setback relief for the construction of a garage addition.**

**AP 45, Lot 105 Zoned: RA 40**

**Zoning Official's report stated this application represents a request for a Dimensional Variance of front setback relief for the construction of a garage addition with a room above. The applicant proposes to add another stall to the garage and add some living space above both garages. The southeast corner of the garage addition is proposed to be 32.70' from the front property line which 40' is required. Therefore the applicant would need a 7.30' of front relief on the southeast corner of the proposed addition. The northeast corner of the proposed addition falls within the building setbacks. The site plan shows two sheds that require setback relief. The Board normally clears up all nonconformities on the lot with an application. Shed #1 northeast corner is 7.14' from the side lot line which 30.1' is required. Therefore the applicant would need 22.96' of side relief on the northeast corner. Shed #1 southeast corner is 11.89' from the side lot line which 30.1' is required. Therefore the applicant would need 18.21' of side relief on the southeast corner. Shed #1 northwest corner is 5.00' from the rear lot line which 64.5' is required. Therefore the applicant would need 59.50' of rear relief on the northwest corner. Shed #1 southwest corner is 7.77' from the rear lot line which 64.5' is**

required. Therefore the applicant would need 56.73' of rear relief on the southwest corner.

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

Applicant purchased the property from his parents two years ago. The house is a 60's era ranch with a small garage. Mr. Russo would like to add one garage stall to try and match other homes in the area. There are two existing sheds on the property which came with the house. The small shed is used to house garden supplies. He thinks the larger shed was built in 1963 and is listed on the tax rolls.

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

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a dimensional variance of the front yard setback for the construction of a garage addition. The Planning Board recommends Approval of this application according to the submitted plans and application. The existing house was situated on an angle from the roadway and the front setback. The placement of the house offers a limited building envelope in which the applicant can expand off of the existing attached garage. The Planning Board 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 variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Motion made by Chairman to grant the Dimensional Variance seeking 7.3' of front relief on the southeast corner of the proposed addition; 22.96' of side relief on the northeast corner; 18.21' of side relief on the southeast corner; shed #1 59.50' of rear relief on the northwest corner; shed #1 56.73' of rear relief on the southwest corner.**

**Chairman 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**
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**Motion seconded by Member Bart. Motion carried by all present.**

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

**Respectfully submitted,**

**Ghislaine D. Therien**

**Ghislaine D. Therien**

**Recording Secretary**