

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of June 3, 2014 Meeting

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

Excused: John Barr, Ghislaine Therien

Minutes

Motion made by Member Enander to defer the May 2014 Minutes to the July 2014 meeting due to Recording Clerk's absence. Motion seconded by Member Lyle. Motion carried by all present.

Correspondence

None

Applications:

Judith Moneghan, 1083 Great Road, Lincoln, RI – Application for Special Use Permit to construct an addition with an accessory family dwelling unit.

AP 29, Lot 11 Zoned: RS 12/RS 20

Member Oster recused himself from this application with Member Lyle sitting in his place.

This application was continued from the May agenda because a quorum was not present.

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

Dwelling is a single family home consisting of 1,400 sq.ft. living space. Applicant is looking to add an addition so her mother can move in with the family. This is a permitted use under Section 260-9(L) of the Town Ordinance.

Witness:

John Hoyle, Senior State Building Code Official

He does consultation and design work assisting applicants. Applicant had submitted a proposed front elevation plan with the application. Addition includes living quarters, means of egress and ingress, and kitchen. Proposed addition is less than 800 feet and would be located on the left side of the house. No dimensional variances are required. Ample parking to accommodate all vehicles.

Applicant stated addition will consist of a kitchen, living room, bathroom, and one bedroom.

She would like to add a small porch for her mother.

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

Members of the Technical Review Committee reviewed the submitted application for a Special Use Permit to construct an accessory family dwelling unit onto the existing house. The submission had a proposed site plan showing the location of the addition and a front elevation of the house and addition. However, an existing floor plan and proposed floor plan was not submitted. The Technical Review Committee had questions about the location of the door for the accessory family dwelling unit. Based on the front elevation, if approved as submitted, the house would look like a duplex with two doors in the front of the house. The overall objective of allowing an accessory family dwelling unit is that the existing house would continue to resemble a single family house.

Based on the submitted application, the Technical Review Committee and the Planning Board could not come to a recommendation for this application. The TRC and the Planning Board would like to see the proposed floor plan before they offer a recommendation.

No opposition present.

In favor:

Assistant Fire Chief Jacques, Limerock Fire Department

Wants to ensure if and when applicant sells the property it will be sold as a single family dwelling and not a duplex. Every year an affidavit needs to be filed with the Town and applicant needs to return to the Board in 5 years to renew the Special Use Permit.

Motion made by Member Bart to grant applicant's Special Use Permit.

He further stated:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**

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

Tanury Industries, 6 New England Way, Lincoln, RI –Application for Dimensional variance seeking front setback relief for the construction of an addition to a commercial building.

AP 28, Lot 138 Zoned: ML 05

Represented by Michael Akkaoui, President and CEO

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

Applicant has been in business since 1946 and located in Lincoln since 1978. The proposed addition is for a new lab – they are an electroplating company. Current lab is outdated and small. Addition will be located at the front of the building. No other feasible location

on the property for the proposed lab. Possible Phase II east of the property in the future. Proposed addition will be 20' x 52' for total of 1,004 square feet.

Chairman addressed applicant stating proposed addition 31.4 feet from front of property and they need 50 feet resulting in the need for 18.8 feet of relief.

Applicant submitted a square foot calculation report of the building as Exhibit #1. Russell Hervieux, Zoning Official stated this document does in fact indicate they meet the FAR requirements. Applicant requested the application be amended to reflect that the line be extended out over the front of the building. Applicant is looking at a Phase I and Phase II plans for additions. Phase II would be for additional office space.

Motion made by Member Bart to accept applicant's request that the application be amended to reflect relief of 18.8 feet from the front setback is extended to the entire length of the building whereas original application language stated that the setback would only be for a 20' x 52' section of a proposed addition. Motion seconded by Member Oster. Motion carried by all present.

Chairman read into the record Planning Board/Technical Review Committee 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 for a dimensional variance from the front yard setbacks for the construction of an addition to the existing commercial building. The proposed dimensional variance is needed due to the unusual shape of the overall property lot and the existing configuration of the interior work space. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning ordinance 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.

In favor:

Assistant Fire Chief Jacques, Limerock Fire Department

Has worked with Tanury Bros in the past. Willing to work with them in any way they can assist.

Michael Costa

Will they be notified when and if Phase II goes into effect? Applicant replied they are good working neighbors and he will be notified.

Motion on amended application made by Member Bart to grant a Dimensional Variance of 18.8 feet front relief. 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 Chairman DeAngelis with a condition that any additional structures above and beyond the 20' x 52' would be limited to office space. Motion carried by all present.

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

Next Meeting:

July 8, 2014

August 5, 2014

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary