

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of September 2, 2014 Meeting

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

Minutes

Motion made by Member Oster to accept the Clerk's August 2014 Minutes as presented. Motion seconded by Member Kearns. Motion carried by all present.

Correspondence

None

Applications:

Jacqueline Gervais, 7 Rutland Street, Manville, RI – Application for Dimensional Variance seeking front setback relief for the construction of a porch.

AP 36 Lot 194 Zoned: RL 9

This application was continued from the August agenda so applicant could return with an accurate site plan. New plans were submitted to Board members for their review.

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

Applicant has a four foot front porch with stairs that she wishes to rebuild. There are several homes in the area with porches that has less frontage. Applicant submitted to the record as Exhibit #1 five photos depicting neighborhood homes including hers. She is asking for 2.3 feet of front relief. There is no shed on the property as shown on the Tax Assessor's field card – it was removed. Existing house has a 24'x24' garage. The issue is with the setback on the right side. There were no measurements listed on the plan.

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 Denial of the application for a dimensional variance seeking front setback relief for the construction of a porch. According to the application and plans, the proposed porch will extend along the entire length of the front of the house. The plans also show that the proposed porch will have a roof on it. During the site visit, the TRC saw the existing set of concrete stairs which appear to be in good condition. The Planning Board feels that the current site plan and application does not represent the least relief necessary, the application does not present a compelling reason for

the need for such a large front porch, and is not due to the unique characteristics of the subject land.

Lot coverage is 1,870 sq.ft. including the porch – 1,796 sq.ft is allowed resulting in a need of 74 square feet of relief. Any future construction will need to come before this Board.

No opposition present.

Motion made by Member Kearns to approve the application seeking 2.3 feet of front relief with a condition that a plan indicating the right setback from the house to the property line be submitted to the Zoning Official for and approval of the lot coverage size be increased from 74 sq.ft 25% to 26% additional lot coverage. Motion seconded by Member Oster. Motion carried with a 5-0 vote.

Therese Marcotte/Tina Ricard (P.O.A.), 45 Reservoir Avenue, Manville, RI – Application for Dimensional Variance seeking front relief for the construction of a deck.

AP 36, Plat 96, 97, 98, 99, 100 Zoned: RS 12

Tina Ricard has a Power of Attorney from Therese Marcotte to act in her favor. Mrs. Marcotte can no longer enjoy the yard because she is in a wheelchair.

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

An addition to the property was constructed in the early 1980s. Deck will be accessible once a window is removed and a slider installed. Member Kearns stated the plans did not have a survey stamp which may create problems granting the requested relief. Applicant replied the property was surveyed on August 8th.

Russell Hervieux, Zoning Official stated he did not have a copy of the survey. Drawings were supplied they applicant came before Zoning in 1984. They received rear relief at that time and are only looking at Lot 96 as a whole. It would be best if the Board had a certified site plan attached. Applicant stated if the Board were to take a ten minute break they could go home and get the August 8th survey for the Board's review. Chairman asked for a break to allow applicant ample to retrieve the survey. Applicant returned and submitted the survey to the Chairman for his review.

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 seeking a dimensional variance of the front yard setback for the construction of a deck. The Planning Board recommends Approval of this application according to the submitted plans and application. The existing house is

orientated perpendicular to the roadway and already extends into the front yard and rear yard setbacks. The applicant is proposing to locate a new deck off of the living room which is in the front of the house. The new deck will not extend any further into the setback. 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 Member Kearns to grant the Dimensional Variance seeking 6.5 feet front from the southeast corner of the deck; 6.28 feet rear from the southwest corner of the deck; 3.72 feet rear from the deck; 6.51 feet from the southeast corner to the property line; 6.37 feet southwest corner of the house to the property line meets and standards. 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 Barr. Motion carried by all present.

Town of Lincoln, 100 Old River Road, Lincoln, RI – Application for Use Variance to convert single family historic farm house into a two family house with no exterior changes for property located at 667 Great Road, Lincoln, RI.

AP 22, Lot 72 Zoned: RA 40

Represented by: Dorothy Talmage, Director of Preservation Rhode Island

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

The granting of this application would allow them to lease the Chase Farmhouse for five years and rehabilitate the property. The farm house was built in 1870 and used as a two family home until the Town acquired the property. They would like to rehab the house to its original state as a two family home. This would allow a curator from Preserve Rhode Island (PRI) to live at the site during the rehab process. The Town acquired the property in 1979. Currently the house has water penetration issues and the systems are outdated. PRI will provide all material costs for the repairs. After the five year lease expires, the Town will own the vastly improved property. A curator

for the site has not yet been identified. There is a written agreement with the Town listing what needs rehab at the house. The second residence will be rented out and income from the rental will help pay for renovation materials.

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 seeking a use variance to convert single family historic farm house into a two family house with no exterior changes for property. As presented within the application, the Town has retained the house in its original condition since taking possession of the property in order to preserve its historic architectural features. The house is noted as being a contributing property to the Great Road National Historic District. The Town has explored several public uses for the farmhouse that would complement the public uses of the overall property. However; the requirements of providing handicap accessibility will destroy the exterior and interior architectural features of the farmhouse.

The Town proposes to enter into a curatorship program which will enable a private entity to conduct a major part of the rehabilitation and conduct maintenance for the term of the lease. The objective of this program is to turn the building into a self-sustaining property with minor management and financial obligations by the Town in the future. This program can only work if there is additional market rent

generated by another unit. The house is set up in such a way where existing interior doorways can be closed in order to create two private housing units. No exterior modifications will be needed to convert the house into a two-family dwelling unit.

The Planning Board finds that this application represents an extraordinary situation with a creative solution to preserve this historic house. No exterior modifications will be needed to convert the house into a two family residence. The Planning Board feels that granting the use variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Chairman made a motion to approve the Use Variance based on testimony from PRI Director. 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 structural damage needs repair due to the age of the house and failure to maintain same.
- 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 house is located in a historic on Great Road.
- 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. PRI will not make any exterior modifications to the house.

- The relief requested is the least relief necessary. There is no other zoning relief needed.**

- The subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance. The house will remain a two family residence but not in the true sense. A curator can reside on the property and oversee the rehab. Income from the second tenant will generate income to aid in the cost of repairs.**

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

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

Respectfully submitted,

Ghislaine D. Therien

Ghislaine D. Therien

Recording Secretary