Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of February 3, 2015 Meeting

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

Minutes

Motion made by Member Oster to accept the January 2015 Minutes as presented. Motion seconded by Member Bart. Motion carried by all present.

Correspondence:

None

Applications:

Eugene M. Kramer, 56 Riverside Drive, Lincoln, RI/Beverly Kramer, Trustee, 7065 Francisco Bend Drive, Delray Beach, FL - Application for Dimensional Variance seeking rear setback relief for the construction of an addition for property located at 56 Riverside Drive, Lincoln, RI.

AP 13, Lot 131 Zoned: RL 9

Represented by: John Shekarchi, Esq., 132 Old River Road, Lincoln, RI

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

Attorney Shekarchi addressed the Board stating applicant needs 18.33' relief from the northwest corner and 18.24' rear relief from the northeast corner of the property. for the construction of an addition and submitted a copy of Building Permit 2014-448 dated October 21, 2014 as Exhibit #1.. Applicant meets all other requirements.

Witness

Edward Pimentel, AICP

The shell of the proposed addition is complete and standing. Contractor pulled a permit and it was posted on the premises. Permit stated it was for addition with patio doors. Russell Hervieux, Zoning Official informed the Board that Building Official received a complaint from a neighbor and put a cease and desist in place. Mr. Pimentel did a neighborhood analysis. Site plan shows building envelope is compliant for a RL-9 area. The existing house is non-conforming and what applicant is proposing is the best location for a new bedroom. Electrical and other permits were not pulled prior to construction. Submitted into the record signed contractor's agreement as Exhibit #2. Applicant's hardship is proposed location for the addition . Existing house is 1,190 square feet and the rooms are small. Two upper bedrooms are being converted into one master bedroom. Applicant's significant other and children will be moving into the

house and additional bedrooms are needed.

Member stated that the contract has a note of a possible 8'x6'deck outside the kitchen on the side and a patio door to be installed. Why is a patio door needed? Russell Hervieux informed the Board that a bedroom does not require an exit just a door egress. Mr. Pimentel replied that originally the addition was going to be a multi-purpose room till applicant's girlfriend moved in with her two children and addition bedrooms were required. There are other homes in the area with the same square footage as the exiting house. Regulations require a 40 foot setback. The hardship was always there when applicant's mother owned the home.

Witness

Eugene Kramer, Owner

His mother owned the house and he moved in 2014 and decided to expand the house shortly thereafter. The addition was erected in 2-3 days. He found the contractor online and met with him at the house, received a bid, signed a contract and gave a deposit. Contractor said he would pull the proper permits. Electrical work was subcontracted and no plumbing was required. Construction started after October 31. He realized there was a problem when the neighbor called Town Hall and a cease and desist was issued. He tried to call the contractor several times. Property is owned under his mother's trust.

Russell Hervieux stated inspections were never done and the project

may not meet code. Attorney Shekarchi stated that should this application be approved applicant is amenable to removing the patio sliders..

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

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 rear setback relief for the construction of an addition. According to the application, submitted plans and site visit, the proposed addition has already been constructed. The construction of this addition was not included in the building permit that was issued for this house. 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 an addition, and is not due to the unique characteristics of the subject land.

Opposed/Concerns

Lisa Hannon, 14 Sunview Street, Lincoln, RI

They purchased their home in 1992 and live directly behind applicant. Most homes in the area do not have garages because there is not enough room on the lots. Seven years ago they wanted to build an addition also. She called the Town Building Official regarding the proposed project and he placed a cease and desist order. The

applicant's home was originally purchased from a church. She also called the Zoning Official some time in November for an update on the project.

Amanda Hannon
She felt the addition was something to be concerned about for resale value.

William Hannon
He is concerned about the sliders on the addition and the relief being requested. Would applicant be willing to plant a buffer between the two properties?

Attorney Shekarchi stated applicant would be willing to remove the sliders and plant a buffer between the properties.

Eugene Kramer, Owner
His mother purchased the house from the church in 2012. His girlfriend and her children spent a lot of time at the home prior to moving in. The work on the addition stopped when the cease and desist was served.

Motion made by Member Barr to approve the application seeking 18.33' relief on the northwest corner, 18.24' rear on the northeast corner; 4.74' on the north corner 4.7' south corner, 6.45' (chimney) of side relief on the existing house, 2.24' (front face) and 4.03' (front

overhand) of front relief on the existing house with conditions that evergreen be planted as a buffer and the slider doors be removed and replaced with windows. He also included the condition that applicant go through the channels to ensure that is in place is structurally sound. 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. Applicant went through diligence and entered into a contract with a contractor who stated he had pulled all required permits for the construction.

• 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.. What applicant is proposing is to accommodate increase in family size.

• 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. Other homes in the area have additions.

• The relief requested is the least relief necessary. Only other position would be to demolish the already standing addition.

• The hardship amounts to more than a mere inconvenience.

Motion seconded by Member DeAngelis. Motion carried with a 4-1 voted with Members Barr, Enander, Kearns and DeAngelis voting aye and Member Bart voting nay stating he did not feel it was the least

relief necessary and not due to unique character land.

Carl Benevides, 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI – Application for Special Use Permit to allow a mixture of uses including live/work units for a mill conversion project for property located at 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI.
AP 2, Lots 88 and 92 Zoned: MG 0.5

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

Russell Hervieux, Zoning Official addressed the Board stating this is an overlay zone under 260-49 of the Ordinance and certain criteria needs to be followed as it is a mill conversation overlay district. This ordinance came into effect in 2007 and covers all mills in the Town for use other than what they were designed for and must meet safety standards. It allows for apartments and different uses in the mills and is to be maintained in historic character. All uses must be kept in harmony with each other and meet special application criteria. The application is missing some required information to be considered a complete application.

Albert Ranaldi, Town Planner stated the buildings are already there and the complexity is how to make everything work such as parking, utilities, etc. The Town has been working to preserve these mil complexes and needs a timeline from the applicant.

Witness

Carl Benevides, Applicant

He owns Sayles Mills which is in complete compliance and is aware of the Town's safety concerns. He has been in business 43 years. He also has met with Mr. Ranaldi and the building is currently 99% in compliance. He wants to rejuvenate old mills in Town and breathe life into the old mills and would like to get going with the project as soon as possible..

Witness

Christopher Fagan

He has 13 years experience in converting historic properties. He met with the Technical Review Committee two weeks ago with a list of proposals and has a survey team ready to start. He has spoken with DEM and the application is pending.

Mr. Ranaldi stated part of this overlay is providing affordable housing units as HUD regulations state they require 25% which would require 4 live/work units for this project.. Applicant is proposing 16 units which equal the 4 required units. These 4 unit requirement is controlled by HUD and not the Town. Applicant was not aware of this requirement and is concerned about occupancy of these units. Russell Hervieux, Zoning Official also stated applicant must meet the HUD requirement. Once application is certified and complete applicant can return to this Board. Application could be placed on

the March agenda if applicant provides all required reports. Applicant agreed.

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

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

Respectfully submitted,
Ghislaine D. Therien
Recording Secretary