

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of April 12, 2016 Meeting

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

Excused: John Bart

Minutes

Motion made by Member Oster to accept the February 2016 Minutes as presented. Motion seconded by Member Kearns. Motion carried by all present.

Correspondence

None

Applications

John & Robin Ryan, 12 Whitman Way, Lincoln, RI – Five Year renewal of Application for Special Use Permit for single family residential property with in-law apartment for property located at 12 Whitman Way, Lincoln, RI.

AP 29, Lot 384 Zoned: RS 12

This application represents a request for a renewal of a Special Use

Permit granted on February 2, 2010. The special use permit was for an accessory family dwelling unit (in-law apartment). This renewal is required as a condition of the ordinance section 260-9L. The applicant is current with all required annual affidavits

Town Solicitor stated applicant was not present. Russell Hervieux, Zoning Official stated application meets all renewal requirements and proper paperwork has been submitted.

Motion made by Chairman to renew the application stating all 5 year filings have been submitted and properly filed. Motion seconded by Member Oster. Motion carried by all present.

Thomas Farrell, 34 Lakeview Avenue, Lincoln, RI – Application for Dimensional Variance seeking side setback relief for the construction of a proposed second floor addition for property located at 34 Lakeview Avenue, Lincoln, RI.

AP 17, Lot 48 Zoned: RS 12

This application represents a request for a Dimensional Variance for a second floor addition. The applicant proposes to add a second floor to an existing one story house on the same footprint. The existing home is non-conforming by dimension on the side and rear. The existing house porch on the southeast corner is 8.62' from the side property line which 18.6' is required. Therefore the applicant would need 9.98' of side relief on the southeast corner of the existing porch.

The existing house on the northeast corner is 8.77' from the side property line which 18.6' is required. Therefore the applicant would need 9.83' of side relief on the northeast corner of the existing house.

The existing house on the northwest corner is 24.97' from the rear property line which 41.85' is required. Therefore the applicant would need 16.88' of rear relief on the northwest corner of the existing house. The property meets the lot coverage regulation

Member Oster sat on the application. Chairman read into the record standards that need to be met for a Dimensional Variance.

This is a single family home and applicant wants to add a second floor to accommodate growing family. The existing house was built before zoning regulations and needs to be brought into conformance - property is grandfathered. Existing house is 700 square feet and wants to add bedrooms and bathroom. Footprint of the property will not change. House constructed of cinder blocks with a 1/2 basement. House currently has 2 small bedrooms. Addition will be wood with matching roof. Final height of the home will be around 25 feet.

Chairman read into the record Planning Board/Technical Review Committee recommendation of approval of this application.

No opposition present.

Motion made by Member Lyle approving the application seeking 9.98'

of side relief on the southeast corner of the existing porch, 9.83' of side relief on the northeast corner of the existing house and 16.88' of rear relief on the northwest corner of the existing house. The property meets the lot coverage regulation. She 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 needs to add additional living space for his growing family.**
- 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. There are other 2 story homes in the neighborhood.**
- The relief requested is the least relief necessary. Applicant also needs to bring the home into conformance.**
- The hardship amounts to more than a mere inconvenience.**

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

Norman Tashash, 4 Pine Grove Circle, Greenville, RI/Frederick Kilsey, 111 John Street, Lincoln RI – Application for Special Use Permit to add an additional changeable copy marquee sign to existing signage for property located at 276 Front Street, Lincoln, RI.

AP 10, Plat 108 Zoned: BL 05

This application represents a request for a Special Use Permit for additional signage at a commercial property. The applicant is proposing to add a manual message board to an existing free standing pylon sign. The existing pylon sign was granted a permit to replace an old sign with a total size of 85 square feet. There is no special use permit granted currently on this property for signage. It is unknown what the total square footage of signs on the property which would include all building signs. The message board would measure 2'x4' and be double sided which would add 16 square feet to the pylon sign.

Proposed sign with replace Burger Boys signage on pylon sign in front of Lincoln Creamery. The property was recently purchased and new owners want to change current signage to two 4'x2' double sided sign. The Town Ordinance allow for 64 square feet total signage per site. The new sign will be interchangeable lettering and will be illuminated by bulbs.

Russell Hervieux informed the Board the creamer and diner are under the same ownership. The existing ice cream cone sign is 85 square feet. The Board can grant the application wt condition that 16 square feet of signage as requested on the application is what will be on the pylon sign. The Board needs to know the accurate square footage of the existing sign so they can grant proper relief.

Applicant informed the Board that the additional signage will post daily specials offered at the diner. Visibility of the new sign will not block oncoming traffic and will be shut off at 10:00pm. The proposed sign is no wider than the ice cream cone. Applicant submitted a rendering of the ice cream cone sign with proposed new sign as Exhibit #1. Applicant wants to remain sensitive to the neighbor's concerns. They walk the sidewalks twice per day and pick up any rubbish left behind by patrons.

Chairman read into the record Planning Board/Technical Review Committee recommendation for approval of the application.

Opposed:

John Zangarini

He felt the current sign was oversized and concerned about any additional signage on the pylon. Residents in the area are having a lot of problems with the creamery traffic with patrons parking on both sides of the street and turning around in driveways. There are parking restrictions in the summer and feels any additional parking will change the character of the neighborhood.

Motion made by Member Barr to approve application adding 16 square feet to the pylon sign with conditions that the sign be 4'x2' double sided as presented in the application before this Board for a total of 16 square feet and will exist as a manual sign and not be

digital or electric. 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. The application meets all parking and lighting criteria.**
- That the granting of the Special Use will not alter the general character of the surrounding area. There is an existing sign on the premises and has been in place for a number of years.**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan. The Plan allows commercial mixed use.**

Motion seconded by Member Enander and carried by all present.

Colbea Enterprises, LLC, 1783 Old Louisquisset Pike, Lincoln, RI – Review decisions approved at the April 7, 2015 Zoning Board meeting for a Use Variance, Dimensional Variance and Special Use Permit for a convenience store with gas station located at 1783 Old Louisquisset Pike.

AP 43, Lot 78

Zoned: RS-20

Represented by: Timothy Chapman, Esquire

This application is before the Board for discussion purposes only. Chairman noticed Dunkin Donuts signage at the site and it was his recollection that applicant stated to the Board when the application was approved there would be no drive thru business at the site. Attorney for applicant stated that he felt the Board does not have the authority to request applicant to appear before the Board and it is a violation of the open meetings ordinance. Assistant Town Solicitor addressed the Board that he spoke with Town Solicitor Anthony Desisto to advised him that the notice stated this was a review meeting and not in violation of the open meeting ordinance. Chairman replied that this application is before the Board because neighbors were concerned about the business garnishing more customers creating additional traffic.

Chairman further stated he was concerned about Dunkin Donuts being added to the site and remembered testimony that Dunkin Donuts will not come where a drive thru is not allowed. He is stated he is only looking for clarification and recently noticed that the Dunkin Donuts signage has been removed. Attorney for applicant stated he does not recall testimony that a Dunkin Donuts would never be at the site.

Chairman reiterated he called applicant to come before the Board just

for clarification purposes.

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

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary