

BUILDING CODE BOARD OF APPEALS
April 17, 2013
Minutes

The regular meeting of the Warren Zoning Board of Appeals was called to order at 9:06 pm by Chairman M. Gerhardt. Also present S. Calenda, P. Attemann, Vice Chairman A. Harrington, M. Smiley, Alternate A. Ellis and Alternate M. Emmencker. Not voting as they were not present at the December 19, 2012 meeting are M. Smiley and M. Emmencker.

Approval of Minutes: March 20, 2013 meeting. A motion was made by S. Calenda to accept the minutes. Second by A. Harrington. All in favor.

Old Business

Application #12-28; **Barbara Frank**, owner and applicant; 69 Locust Terrace; Plat Map 15C, Lots 15 & 16; owner/applicant requests relief from the following sections of the *RI State Building Code*: R322.2.1, R322.2.2 & R305.1; and from the following sections of *ASCE 24-05*: 4.6 and 5..2.5 to allow a recently constructed, partially completed (without permits) 15' x 28' addition to an existing non-conforming structure to remain.

Mr. Bruce Cox, Esq., Sleprow, Sleprow & Associates, 1481 Wampanoag Trail, E. Providence, RI 02915, presented the request for the applicant. Mr. Cox presented documentation in rebuttal to the RIEMA testimony previously submitted.

Mr. Blanchard, Architect, Site Engineering Inc., 490 Metacom Ave, Bristol, RI, gave testimony.

Michelle Burnett, RI State Floodplain Coordinator, gave testimony as to FEMA's guidelines to issuing Variances in the flood zone.

No Public Comment

It was moved by A. Ellis to approve the request of variance on Application 12-28, Barbara Frank owner/applicant of 69 Locust Terrace, Plat 15C, lots 15 and 16, seeking relief from the RI State Building Code: Sec R322.2.1, R322.2.2 & R305.1 and from the following sections of *ASCE 24-05*: 4.6 and 5..2.5, such that this variance would allow a recently constructed, partially completed, without permits, 15' x 28' addition to an existing non-conforming structure to remain. This motion will be based on the findings of fact that the structure to remain. This motion will be based on the findings of fact that the structure, as proposed, would not create a significant increase of public hazard or increase flood elevations. The variance being requested would be for the minimum relief necessary because the proposed or existing additional is level with the house that presently exists and would not be creating a worse condition than what is already existing in the principal dwelling, that the least amount of relief necessary that they are seeking, the applicant has shown good and sufficient cause based on the evidence presented, given the circumstances of the construction of this addition, the nature of the space that is proposed to be constructed onto this house, the use for which she intends to occupy the space, the testimony of demonstrated through testimony to already be great suffering, personally, emotionally with regard to the productive use of her property the nature of the space that is proposed to be constructed onto this house, the use for which she intends to occupy the space, the testimony of neighbors that this would not be creating any additional problems for them, not granting of the variance would cause the applicant to suffer increased hardship above and beyond what she has already suffered which has been demonstrated through testimony to already be great suffering, personally, emotionally with regard to the productive use of her property, not granting this would cause her to suffer unduly further on this matter, granting of this variance through the testimony presented there was evidence to support there would not be a nuisance

or hazard to the surrounding community, would not increase flood elevations and could have no practical impact on them in any manner, would not cause gross expenditures, extraordinary public expense, as has been testified, this has no direct impact on the rates for flood insurance set by law, would not create nuisances for the neighborhood or other in the area or the town, no evidence that it would be a fraud of any kind nor would it contradict, to our knowledge, any existing local ordinance, finding of fact there are substantial number of houses in this neighborhood that are pre-existing and this is not dramatically expanding the general characteristics of the neighborhood with regard to the flood plain, conditional that this variance be in compliance with all FEMA aspects, certified by an engineer, except for this height limitation that has been testified to, that finds would control or minimize additional threats to public safety, extraordinary public expense, minimize the nuisance and be part of the minimum necessary in granting the variance considering the flood hazard. Second A. Harrington. Roll Call Vote, S. Calenda-Nay, P. Attemann-Nay, A. Harrington- Yay, M. Gerhart-Nay, A. Ellis-Yay. Motion fails; 3– Nay, 2- Yay.

New Business None

Administrative Matters Consideration of items for future agendas. - NONE

Adjourn It was moved by S. Calenda to adjourn the meeting at 10:40 pm. Second by M. Smiley . All in favor.

Respectfully submitted,

Rhonda Lee Fortin