

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of November 2nd, 2021 Meeting

Present: David DeAngelis- Chairman, Kazem Farhoumand, Lori Lyle- Vice Chairperson, Frank Spezzano, John Mancini, Stephen Kearns, Charles Ruggerio, Attorney DeSisto

Minutes: October minutes approved

Correspondence:

Application:

Donald Ellwanger, 6 Fair Oaks Dr. Lincoln, RI. 02865 – Application for Dimensional Variance for rear and side setback relief for proposed addition located at 6 Fair Oaks Dr. Lincoln, RI. 02865.

AP 25, Lot 79 Zoned: RS-30

Chairman: This application represents a request for a Dimensional Variance for a sunroom addition. The applicant is proposing to add a 12'x18' sunroom to the southern end of the existing house.

Chairman: Testimonial of applicant Donald Ellwanger.

Chairman: The proposed sunroom is 24.13' from the side property line which 25' is required. Therefore, the applicant would need 0.87' of side relief for the proposed sunroom. The proposed sunroom is 40.94' from the rear property line which 50 ft. is required. Therefore, the applicant would need 9.06' of rear relief for the proposed sunroom. There are setback encroachments for the existing house which there is no record of zoning relief for. The middle of the house on the west side is 30.56' from the rear property line which 50 ft. is required. Therefore, the applicant would need 19.44' of rear relief for the middle of the existing house on the west side. The existing house on the northwest corner of the deck is 39.17' from the rear property line, of which 50' is required. Therefore, the applicant would need 10.83' of rear relief on the existing house, northwest corner of the deck. The rear of the existing house on the north most corner is 49.33' from the rear property line which 50' is required. Therefore, the applicant would need 0.67' rear relief on the north most corner of the existing house. The property also has an existing deck and spa which are completely within the setback area. A search of Town records did not find any permits for these items. The deck is 15.82' from the rear property line, of which 50' is required. Therefore, the applicant would need 34.18' of rear relief for the deck. The spa would be treated the same as a swimming pool. The spa is 4.02' from the rear property line which 6' minimum is required. Therefore, the applicant would need 1.98' of relief for the placement of the spa. The property meets the lot coverage requirements even with the proposed sunroom.

Member Mancini: What year was the house built?

Applicant: 1989.

Chairman: Read into record standards for a Dimensional Variance

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability?

2. Is that there's a hardship that results and it's not from any prior action of yourself, and it does not result from the desire to realize any greater financial gain.
3. Granting of the variance will not alter the general character of the neighborhood.
4. What is asked of the Board is reasonable and least relief necessary.
5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance

With those read into the record, you can now tell us what you have there and what you would like to have there.

Applicant: There's the proposed piece that I am trying to do and the house I bought that is non-conforming.

Chairman: How long have you been there?

Applicant: 12 years.

Chairman: So you didn't build it, and how about the deck and spa?

Applicant: It was all existing,

Chairman: For the purpose as to why you are here this evening, if we are looking at the standards you bought the house that way, so let's focus on the sunroom.

Applicant: I want to build a home office for my wife in the back. The way we laid it out, it is less intrusive to the neighbors so we thought it was the best location for it. The property is in a unique shape so it doesn't give us a lot of options for what we want to do and because it is a glass room we thought it would be easiest to use, instead of going up and out.

Member Mancini: What is in the back on property?

Applicant: Swing set, kids swing set and that's really it and a whole bunch of trees.

Chairman: Any other questions? Did you contemplate putting it anywhere else? Cannot put it in the front.

Applicant: On the front there are only a few spots that are conforming. We modeled it on the East side behind the pool, but the stone and the grading is odd. We would still need relief.

Chairman: Do you have kids?

Applicant: Two, a 12 and 14 year old.

Chairman: What's the square footage of the house?

Applicant: I think 3200 square feet

Member Kearns: It says 3650 sq. /ft. on the plans

Chairman: You live in that neighborhood how long?

Applicant: 12 years

Chairman: Adding 12x 18, not a major modification

Vice Chairperson Lyle: 216 sq. /ft.

Chairman: Are there any other questions? It is going to be a home office for your wife, working from home is a result from covid?

Applicant: Yes but the company is going hybrid, few days in office and others home

Chairman: Can you tell us a little bit of where she is working now and how that will improve the environment?

Applicant: Yes, so both of us are working out of the basement we have two desks side by side.

Chairman: Just trying to plug in the standards, the inconvenience if it were to be denied. It doesn't look like working from home will be temporarily.

Applicant: yes it has taken close to a year to get this going.

Member Kearns: Really this is the only place that would give the least relief necessary. The plan drawn is the least relief based on the standard.

Chairman: Any questions, before I read the report from the Technical Review Committee

Vice Chairperson Lyle: So you will be able to access the sunroom from the house and is there an exit to the outside?

Applicant: There is an exit going out into the yard, and then an exterior door already there.

Vice Chairperson Lyle: Same level as house already ?

Applicant: Yes, small step-up.

Chairman: Reads the TRC report; Members of the Technical Review Committee reviewed the submitted plans and application seeking Dimensional Variances for rear and side setback relief for a proposed addition located at 6 Fair Oaks Dr. Lincoln, RI. 02865. The Planning Board recommends approval of these Dimensional Variances. The Planning Board feels that the application presents the least relief needed and is consistent with the surrounding neighborhood. The Planning Board feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Chairman: Anyone here from the community wishing to speak in regard to this application? Let the record know, there is no one here from the public wishing to speak. Present a motion to approve application of Donald Ellwanger- Application for Dimensional Variance for rear and side setback relief for proposed addition. Motion to approve dimensions already read into record. Will address standards:

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? The house has a unique shape and there are not many options to build an addition.
2. Is that there's a hardship that results and it's not from any prior action of yourself, and it does not result from the desire to realize any greater financial gain. This standard is more in tune with the previously existing non-conforming structure, because it was prior action that does not transfer over to you.
3. Granting of the variance will not alter the general character of the neighborhood. As stated, a modest size sunroom will not affect the character of the surrounding area, it would improve it.
4. What is asked of the Board is reasonable and least relief necessary. If it was put anywhere else you would still need relief and probably more relief.
5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. We know the trend is working from home and we realize how non-conforming home can be for work and it would define a mere inconvenience if your project was denied.

Based on that I present motion to approve.

Second by Member Ruggerio
Chairman polls The Board

Vice Chairperson Lyle: Aye

Member Ruggerio: Aye

Member Kearns: Aye

Member Mancini: Aye

Chairman: Aye. Your application has been granted.

Byron Orellana, 1612-1614 Lonsdale Ave, Lincoln, RI. 02865 -Application for Dimensional Variance for area lot relief for a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865.

AP 4, Lot 60

Zoned: RG-7

Byron Orellana, 1612-1614 Lonsdale Ave, Lincoln, RI. 02865-Application for Special Use Permit to convert a mixed use building to a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865.

AP 4, Lot 60

Zoned: RG-7

Chairman: Next is an application for Byron Orellana

Mancini: Can I make a motion to merge these two applications together

Chairman: Introduces application Byron Orellana, two applications. First is a request for a Dimensional Variance for the lot area to create a fourth residential unit. On 1612-1614 Lonsdale Ave, The applicant is proposing to convert an existing commercial space in a mixed use building to a residential unit. The property currently has three residential units and one commercial unit in one building. The lot area is 8,201 square feet which 11,500 square feet is required. Therefore the applicant would need 3,299 square feet of lot area relief for a four unit residential. This fourth unit would require a Special Use Permit which is requested in the next application. That is the first application, the second is for a Special Use Permit. Member Mancini indicated that he would like to make a motion to hear both applications at the same time; additional standards will be read into the record.

Member Mancini: Motion to merge applications because they are interrelated.

Second by Member Kearns

Chairman polls The Board

Vice Chairperson Lyle: Aye

Member Ruggerio: Aye

Member Kearns: Aye

Member Mancini: Aye

Chairman: Aye

Chairman: Because we are hearing two applications on a Dimensional Variance the other a Special Use Permit I am going to read into record the standards for both. First the standards for a Dimensional Variance

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability?
2. Is that there's a hardship that results and it's not from any prior action of yourself, and it does not result from the desire to realize any greater financial gain.
3. Granting of the variance will not alter the general character of the neighborhood.

4. What is asked of the Board is reasonable and least relief necessary.
5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance

Then there is the Special Use Permit standards;

1. The use is permitted in the exact subsection in the ordinances that it's permitted in.
2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations.
3. The Special Use Permit will not alter the general character of the neighborhood.
4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances.

So really we are addressing seven standards over two applications.

Chairman: Swears in Byron Orellana (property owner), and Heber Rezinis (friend/ translator).

Applicant: Right now the building is mixed use 3 apartments, with front lower level office use. Looking to have the lower front side (office) turned into an apartment to occupy by the owner. (Two beds, bath, kitchen and living space). The lot is 8200 sq. /ft. He is trying to have four apartments, with two car parking for each apartment. The first floor in the back is a 3 bedroom and the front will be a two bedroom.

Chairman: What is in the commercial space right now?

Applicant: It is empty

Chairman: How long has he owned it?

Applicant: Six months

Chairman: And has that commercial space been vacant that whole six months?

Applicant: Yes.

Chairman: So the three residential units and currently rented out?

Applicant: Yes

Chairman: And he wants to live there?

Applicant: Yes

Chairman: Two parking per apartment, so he would need eight.

Vice Chairperson Lyle: So for the office they would have just needed one space for every 300 sq. /ft.

Chairman: Square feet is almost 1000

Member Mancini: On the application it says you want to move into this space, where are you living now?

Applicant: I live on the second floor, but I want to live on the first floor

Member Mancini: And rent out the second?

Applicant: Yes

Member Farhoumand: How do they park on this property now, they don't park how it is shown here? These are too short, supposed to be 20ft long space, I don't think this first space could counted.

Applicant: Over there, there's room for 8 spots.

Member Farhoumand: They are supposed to be 20 ft. long spaces, you couldn't be able to turn around.

Applicant: We have extra spaces in the back.

Chairman: Recap, Member **Farhoumand** raised a question in regards to size and location of parking spaces. Amount and type of units dictate how many parking spaces

are required. For this type of structure eight parking spaces are required. Based on the plans it doesn't appear that the parking spaces meet the size requirement. The Town required 9 feet wide and 20 feet long parking spots. And while there are no calculations of measurement on the plans, there is a concern parking space one which would require the driver to need to back up into the curb/ sidewalk area in order to leave the parking lot which could be a safety concern

Zoning Official Hervieux: The Ordinance requires 9ft by 20ft spot off street parking. Does not indicate you cannot back into the street or use other property to maneuver the vehicle. If the spots are 9ft by 20ft then they would meet The Ordinance. If this is approved the permitting process would be checked then. Concern with distance between parking and building

Member Mancini: I drove by today, you're near a school, is that school active?

Applicant: Yes to the right side, yes active.

Member Mancini: Based on having four units or more you'll have to have your own trash pickup, are you aware of that? And where would you put this dumpster?

Applicant: If necessary in the back left of the property.

Member Mancini: Zoning Official Hervieux, if this were approved on condition, someone would assure that the dumpster and requirements for four units are there.

Zoning Official Hervieux: Yes, if it is condition of approval it would have to meet the condition of it would be a Zoning Violation and second the Public Works Director already determined because it meets the threshold for the Town Ordinance not the Zoning Ordinance the four units or greater require private trash collection it would have to have own dumpster at that point, the Town would not be picking up.

Attorney DeSisto: If application would be approved you would have to place conditions on there and it is something necessary and include that the dumpster be placed and the applicant knows a dumper is needed.

Member Ruggerio: Have you tried to lease the commercial space as a commercial office?

Applicant: No, he doesn't want to rent.

Member Ruggerio: Was it prior to you owning the property?

Applicant: no, he doesn't want to have commercial space, he wants to convert it to an apartment.

Chairman: We have some issues with parking spaces. You will need a dumpster there, is there a location for a dumpster that needs to be gated

Zoning Official Hervieux: It needs to be gated on three sides.

Chairman: Is there enough room for eight vehicles to park and a truck to remove the dumpster safely?

Member Kearns: Seems to me if you are able to drive the truck on the left side they could drive straight in there.

Attorney DeSisto: Clarification for the record purposes you do have a Boundary Survey and site plan. The Dimension of the North East corner is 20.1ft that is listed, but on the first sheet it appears the Dimension is 26.9 feet which is significant.

Chairman: The current location is based on field measurement and approximate in nature.

Attorney DeSisto: Because of the angle of parking spaces, whether or not the Pythagorean Theorem could be used to find the angle you could determine how many

feet from the lot line the angle is, but there are no dimensions at the base on the triangle there is not enough information to determine.

Chairman: What if the parking spot were pitched toward the building? Turn wheels towards the left to park.

Member Farhoumand: I don't think they'll have enough room to have eight spots, it looks like there's enough on the property on the West side to add more parking but the way they have shown I don't think it will work.

Chairman: The reason we are focusing on parking is because it is one of the standards. This is one of the standards for Special Use Permit. All the criteria has to be met and parking is a safety issue.

Member Farhoumand: I think they should have another surveyor. There's a discrepancy between the dimensions. One of them is marked "TS" and the other "MJF Engineering and Associates". I would like more on the second one because it has a surveyor stamp. It says the distance from the North corner to the property line is 20.1 ft. and the other 26ft I would rely on this (20.1ft). I think it will be tight and I wasn't even thinking of a dumpster. I think the best place for that would be the Northwest corner, maybe the truck can back into the spot

Member Kearns: I think he should drive right in. You think there's more parking available on the left?

Member Farhoumand: I think so.

Member Kearns: Right near the property line you could put some parallel spots.

Member Farhoumand: Either there or right near the building, 3 or 4 of them there

Member Kearns: I think there is enough room to put eight.

Member Farhoumand: And that was one of the reasons why I asked how they already parked there.

Chairman: Where do they park right now? How many cars for the three apartments?

Applicant: Four total

Chairman: And you park where the spots are right now?

Applicant: The first ones.

Chairman: Lines?

Applicant: No I just park

Member Kearns: Is everything paved in this lot?

Applicant: Yes we paved all of it, changed asphalt on the right and left side.

Vice Chairperson Lyle: On the Dimensional Variance on the last page, it is not the Lincoln Middle School, it is the old Administration building

Applicant: it is Administration

Zoning Official Hervieux: That is the Administration building, the current one. That is being relocated to the High School complex.

Chairman: Mr. Mancini, what are your thoughts on moving forward or clarification, on the dimensions?

Member Mancini: The issue here is parking, I think there is plenty of parking but where it is going to be, I'm not sure if we could make that a condition of whether you'd have to come back.

Chairman: The issue is we'd like to move forward but The Board needs more convincing information, based on where we are on the parking discussion. A better parking plan with more details (parking, dumpster and travel lanes)

Attorney DeSisto: There appears to be insufficient information on the current application, which would enable The Board to place the necessary conditions in order for application to be approved. In this circumstance I would advise to continue the matter. I would have the applicant work off of the survey that was submitted on page 2 of the Dimensional Variance application and mark off the size parking spots as well as the travel lane for the vehicle and come up with a different parking plan that allows for safe pick up of trash.

Chairman: We don't like to have people come back but in this circumstance there is too much information that is needed. We cannot make a decision on this application tonight because we don't have enough information about the parking. What the solicitor has recommended is to work with the individual that made the plans and rework the parking plan that shows 8 spots with the proper dimensions and a location for the dumpster. And route for trash pickup without having to maneuver around 8 parking spaces. You do have two ways into that property so that is on your side. Any other questions that we can get on the record for when they come back for parking?

Member Ruggerio: You said you'll move downstairs. Are you going to rent out the apartment that you are vacating?

Applicant: Yes

Chairman: Any other questions?

Member Mancini: There was something I read about snow removal, where you'd put the snow?

Applicant: Asks how many parking spots are required right now for the building.

Chairman: Seven are required now.

Vice Chairperson Lyle: In Member Mancini's defense I think what he was getting at was if there are more cars, where would they put the snow?

Chairman: Reads the TRC report; the Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for area lot relief for a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Planning Board recommends approval of this application for Dimensional Variance for area lot relief. The Planning Board feels that the application presents the least relief needed and is consistent with the surrounding neighborhood. The Planning Board feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan. PLEASE NOTE: According to Town Policy, the Town Of Lincoln will not provide garbage or recycling services to properties having four or more residential units. The applicant will be required to contract a private company for all garbage and recycling services. Members of the Technical Review Committee reviewed the submitted plans and application seeking a Special Use Permit to convert a mixed-use building to a four unit residential building located at 1612-1614 Lonsdale Ave, Lincoln, RI. 02865. The applicant is not proposing any new exterior construction. The Planning Board recommends approval of this application for a Special Use Permit. The Planning Board feels that granting the Special Use Permit is a less intense use of the property and will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan. PLEASE NOTE: According to Town Policy, the Town Of Lincoln will not provide garbage or recycling services to properties having four or more

residential units. The applicant will be required to contract a private company for all garbage and recycling services.

Chairman: With that read into the record is there anyone here from the public who would wish to speak regarding this application? Let the record indicate there is no one who wishes to speak.

Chairman: Concern with the ability to remove snow, safe maneuver of vehicles. What is the plan to remove snow? 12 inch-16 inch snow storm, how does he plan on taking care of snow?

Member Mancini: The Zoning Official made that comment on the plan

Applicant: if there is too much snow contractor will come and take snow out, if it is 1-3 inches it will go in the back of property.

Chairman: You will push snow if it is a small amount, remove it if it is a large amount. Do you want to rework the parking and trash diagram and continue this?

Applicant: Yes we will do that

Chairman: We can put you down for December 7th, is that enough time?

Applicant: Yes

Chairman: Based on request by applicant

Member Ruggerio: Makes motion to continue the matter.

Second by Member Kearns

Chairman polls The Board

Vice Chairperson Lyle: Aye

Member Ruggerio: Aye

Member Kearns: Aye

Member Mancini: Aye

Chairman: Aye

Application continued to December 7th

Andrew Hannaway, 24 Waterman St., Cumberland RI.02864 - Application for a Dimensional Variance for side setback relief for addition located at 20 Raymond St. Lincoln, RI 02865.

AP 14, Lot 161

Zoned: RS-12

Andrew Hannaway, 24 Waterman St., Cumberland RI.02864- Application for a Special Use Permit to add accessory family dwelling unit to a single family home located at 20 Raymond St. Lincoln, RI 02865.

AP 14, Lot 161

Zoned: RS-12

Chairman: Two applications, Dimensional Variance for an addition and the other a request for a Special Use Permit for an accessory family dwelling unit. The Dimensional Variance indicates if the person occupying the space is 62 or older the Special Use Permit is not required, which defines the family dwelling unit. The person intended to occupy this space is 62 years or older which is defined in the Zoning Ordinance.

Zoning Official Hervieux: Yes that is correct, our ordinance mirrors the State Law.

Chairman: Being that, that's the case the Special Use Permit is moot.

Member Kearns: I understood that the applicant was intended to get a Special Use Permit to see in the future, if in the future he could have a living dwelling not just for an elderly person.

Attorney DeSisto: If that is the case they would have to come back because that is a different set of facts. This application is geared towards the elderly living here, if someone else would come to live here that is different under the ordinance. So an application would have to be brought at that time.

Member Mancini: I would ask the applicant why he would not withdraw the SUP

Chairman: Swears in Andrew Hannaway. So you have two applications here, one Dimensional Variance for an addition to an existing home where relief is required and second a Special Use Permit to have an accessory family dwelling unit essentially additional living space within a home. You provided documents that the person living there is over 62, which would make the Special Use Permit moot, and down the line if that were to change you would repetition this Board for a Special Use Permit if that were to change. Is there something missing?

Applicant: Currently my mother and sister are living in the house, and both are planning on living in the addition and my sister is under 62 so that is the reason why the Special Use Permit is required. I thought it was best instead of coming back twice.

Chairman: So it's your mom and sister, how old is your sister?

Applicant: 39

Attorney DeSisto: This is what we're going to have to do on this one. We encourage multi-generations, but when that use is initial and then is no longer necessary and then you have a two family in a one family residential area. The way the Town bridge the gap was to require affidavits to be filed to assure they are family members. What you'll need to do if the app is granted she will have to file an affidavit too. Now if another family member comes in that would require an affidavit also.

Chairman: So you have single family residential areas, the Town encourages families to stay together but that creates a fine line. In order to mitigate the construction of turning a single family residential into a commercial space the Town requires annually to sign a form to say it's still those family members and that form would go to the Town, it is a sworn statement saying it is still in effect. We will let the record indicate that The Board will be both applications of Andrew Hannaway one being that of request for Dimensional Variance for an addition the second being for a Special Use Permit for an accessory family dwelling unit.

Motion by Member Mancini to merge both application because they are interrelated, second by Member Ruggerio

Chairman polls The Board

Vice Chairperson Lyle: Aye

Member Kearns: Aye

Member Mancini: Aye

Member Ruggerio: Aye

Chairman: Aye

Chairman: Two applications will be heard together, Chairman reads standards into the record; Let me clarify the amount of relief you're looking for a Dimensional Variance, the proposed addition to the east side of the existing house. The proposed addition, on the northeast corner, is 16.66' from the side property line which 20' is required if the total average height of the building is under 25'. Therefore, the applicant would need 3.34' of

side relief on the northeast corner if the average height is under 25'. If the average height is over 25' then the relief would be 8.34'. The proposed addition, on the southeast corner, is 23.39' from the side property line which 20' is required if the total average height of the building is under 25'. Therefore, the applicant would not need any relief on the southeast corner if the total average height of the building is under 25'. If the average height is over 25' then the relief would be 1.61' of side relief on the southeast corner. The property meets the lot coverage requirements even with the addition.

Zoning Official Hervieux: The application did not dictate the average height of the house but it needed to be put in there.

Chairman: We give both one would be rescinded with a condition based on the founded calculations. That covers the Dimensional Variance. Chairman reads standards into the record, 5 for Dimensional Variance, and 4 for Special Use Permit.

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability?
2. Is that there's a hardship that results and it's not from any prior action of yourself, and it does not result from the desire to realize any greater financial gain.
3. Granting of the variance will not alter the general character of the neighborhood.
4. What is asked of the Board is reasonable and least relief necessary.
5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance

Then there is the Special Use Permit standards

1. The use is permitted in the exact subsection in the ordinances that it's permitted in.
2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations.
3. The Special Use Permit will not alter the general character of the neighborhood.
4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances.

Applicant: Currently it is a single family home, two stories with a single car garage underneath. Our plan is to build a two car garage with an in-law apartment above it - two bed, one bathroom. The plan is my mother and sister live in the house currently and the plan is for them to move into the apartment addition and my family is going to move into the existing house not to immediately take care of my mother and sister but to take care of the building situation so in the long run care can be provided for both of them in the future.

Member Mancini: This dwelling you'll have access through the main house?

Applicant: yes

Member Mancini: Is there any exterior access to this dwelling?

Applicant: On the East side of the addition of the rear of the garage there will be an exterior door with interior stairwell

Member Mancini: is that acceptable Zoning Official Hervieux?

Zoning Official Hervieux: Yes as long as there is no second entrance on the front of the house.

Member Mancini: What will happen to the underground car garage?

Applicant: It will be framed, dry walled and part of the basement.

Chairman: Did you consider putting the addition anywhere else?

Applicant: Originally I planned putting it in the rear but the way it sloped and the solid conditions it is not the same level and grade as the existing to marry up to the same frame.

Chairman: You don't live there right now?

Applicant: No mom and sister

Chairman: You'll live in existing and they'll live in addition?

Applicant: correct

Chairman: parking? How many cars can you safely park?

Applicant: 50 ft. driveway from street to front of garage

Chairman: two car garage with ample parking. Any questions?

Vice Chairperson Lyle: what is the total number of cars that will be parked there?

Applicant: Three. Mine, my wife's and my mothers.

Vice Chairperson Lyle: The addition will be the same materials and same color to match?

Applicant: Yes it will be within the same ballpark, it will be vinyl siding.

Chairman: What will come of the existing garage?

Applicant: Walled off basement

Chairman: In your opinion, Mr. Mancini are there similar houses

Member Mancini: It would blend right in

Chairman: As it stands and with the addition it would fit in?

Member Mancini: Absolutely

Chairman: What size is the addition?

Applicant: 23ft by 34ft

Chairman: What types of living space?

Applicant: Two bedrooms, one bath, kitchen, and living area.

Member Kearns: Should the circumstances change and the relatives that are living there are no longer living there will that revert back

Chairman: Yes, once those affidavits stop it will indicate.

Zoning Official Hervieux: It does not transfer over with the property

Chairman: One of the standards is the hardship more than a mere inconvenience, why don't you tell us what your family would hinder if it was denied.

Applicant: That would make it difficult to maintain the level of tightness with the family and being able to take care of my mother as she would need it. It would be difficult from a different location going further.

Attorney DeSisto: Case law to affect care of family members would meet the standard.

Chairman: Any other questions? Reads the TRC report; Members of the Technical Review Committee reviewed the submitted plans and application seeking a Dimensional Variance for side setback relief for a proposed addition located at 20 Raymond St. Lincoln, RI 02865. According to the application, the proposed addition will be an accessory family dwelling unit. The Planning Board recommends approval of this Dimensional Variance. The Planning Board feels that the application presents the least relief needed and is consistent with the surrounding neighborhood. The Planning Board feels that granting the Dimensional Variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan. Regarding the second application members of the Technical Review Committee reviewed the submitted plans and

application seeking a Special Use Permit to add an accessory family dwelling unit to a single family home located at 20 Raymond St. Lincoln, RI 02865. The Zoning Official informed the Committee that a Special Use Permit is not required to add an accessory family dwelling unit to a single family home. This use is a permitted use if the family member(s) that will occupy the unit are 62 years or older. Therefore, The Planning Board recommends that the applicant withdraw the application from consideration. Heard new information of the sister who is not under 62 years of age therefore requiring the Special Use Permit. Is there anyone here from the community wishing to speak in regards to this application? Let the record indicate no one is here from the community to speak on the regards of this application. Any more questions from The Board?

Member Mancini: Makes a motion to approve the Dimensional Variance, the applicant is seeking relief of either 3.34' or 8.34' depending on the height of the home, and it is for a two car garage and above living space. And number two standard, is that there's a hardship that results and it's not from any prior action of yourself, and it does not result from the desire to realize any greater financial gain.

3. Granting of the variance will not alter the general character of the neighborhood. It will not, it will blend right in.

4. What is asked of the Board is reasonable and least relief necessary. Yes it is the basic two car garage is the least relief needed.

5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance. It would be more than a mere hardship; it would stop the applicant from spending time with his family.

Second by Member Kearns

Chairman: Clarify there are two sets of numbers for relief 3.34 ft. should height be under 25ft and 8.34 ft. should height be over 25 ft. and secondly the Southeast corner side relief if the building is over 25 ft. then they will need 1.61ft or under they won't need any so the condition to attach to the motion is such that one of the level of relief will be withdraw based on the overall calculations.

Member Mancini: condition accepted

Chairman polls The Board

Vice Chairperson Lyle: Aye

Member Ruggerio: Aye

Member Mancini: Aye

Member Kearns: Aye

Chairman: Aye

Member Mancini: Makes a motion to approve a Special Use Permit for an accessory family dwelling unit.

1. The use is permitted in the exact subsection in the ordinances that it's permitted in. Yes 260-9M

2. The Special Use Permit meets all the criteria in the Zoning Ordinance such as parking and lighting and various use regulations. Yes he does.

3. The Special Use Permit will not alter the general character of the neighborhood. It will not, the structure will blend in with the rest of the neighborhood.

4. The Special Use conforms with the Comprehensive Plan and Zoning Ordinances.

The one condition will be that the applicant brings a document to The Zoning Official stating that a family member under 62 will be living in this particular structure.

Second by Member Kearns

Chairman polls The Board

Vice Chairperson Lyle: Aye

Member Ruggerio: Aye

Member Mancini: Aye

Member Kearns: Aye

Chairman: Aye; Applications have been granted

Next meeting is December 7th. Discussion of applications for December 7th. Move discussion of application process and requirements, discussion of standard clarification for Dimensional Variance, and clarification of Zoning Board member nomenclature.

Motion to adjourn by Member Ruggerio and Seconded by Member Kearns.

All approved.