

Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of March 2, 2021 Meeting
ZOOM MEETING

Present: David DeAngelis-Chairman, Kazem Farhoumand, Lori Lyle, Stephen Kearns, Charles Ruggiero, David Hart, John Mancini, and Solicitor Anthony DeSisto

Minutes

December 2020 Minutes and January 2021 meeting. Motion made by Member Kearns and seconded by Member Mancini to accept the December Minutes as presented. Motion carried by all present. Motion made by Member Lyle and seconded by Member Kearns to accept the January 2021 Minutes as presented. Motion carried by

Applications:

William King, 37 Olney Avenue, Lincoln, RI – Application for Dimensional Variance seeking a side yard and height relief on a newly constructed single-family house located at 37 Olney Avenue, Lincoln, RI.

AP 17, Lot 96

Zoned: RS12

Represented by: John Shekarchi, Esquire

This application represents a request for a Dimensional Variance for a newly constructed single family home. The applicant built a single family home which needs side setback and height relief. The applicant supplied a site plan at building permit stage which showed that this house met the setbacks but was very close. The applicant was warned not to go over 25' in height because that would increase the side setback requirement. The applicant supplied an as-built survey at time of certificate of occupancy request which was rejected because it did not include height calculations. The updated as-built survey was never supplied however this application for dimensional relief was. According to the site plans supplied with this application, the house is at 36.31' high. The front corner of the house on the northwest corner is 25.16' from the side property line which 30' is required. Therefore, the applicant would need **4.84'** of side relief on the northwest corner. The side of the house on the north side is 24.89' from the side property line which 30' is required. Therefore, the applicant would need **5.11'** of side relief on the north side. The front corner of the covered porch on the southwest corner is 24.95' from the side property line which 30' is required. Therefore, the applicant would need **5.05'** of side relief on the southwest corner of the covered porch. The rear corner of the house on the southeast corner is 25.16' from the side property line which 30' is required. Therefore, the applicant would need **4.84'** of side relief on the southeast corner of the house. The chimney on the south side is 23.11' from the side property line which 30' is required. Therefore, the applicant would need **6.89'** of side relief for the chimney on the south side. The house is 36.31' high which 35' is the maximum height limit. Therefore, the applicant would need **1.31'** of height relief.

Correspondence received from Attorney Shekarchi stating updated plans for presentation at tonight's meeting not ready and asked for a continuance to the April agenda. The architect and land survey to be performed reviewing height and what corrections could be made to avoid requested relief are not ready yet. Steven Long returned to the site to review. They intend to prepare new grading plan to address the height requirement. If applicant grades the rear of the property no height relief will be needed.

Motion made by Chair to accept applicant's request to continue the application to the May agenda. Motion seconded by Member Ruggiero and carried with a 5-0 vote.

REMAND BY THE SUPERIOR COURT TO THE ZONING BOARD OF REVIEW FOR FURTHER FINDINGS. Superior Court decision dated December 30, 2020, Three Kids LLC v. Lori Lyle, Steve Kearns, John Bart and David DeAngelis, in their capacities as members of the Town of Lincoln's

**Zoning Board of Review, PC No.:2018-6054. Three Kids LLC, P.O. Box 2, East Greenwich, RI-
Application for a Dimensional Variance seeking front yard setback relief for the construction of a
new home on a vacant lot located on Wilbur road, Lincoln, RI, designated as Assessor's Plat 28, Lot
80, Zoned: RA 40.**

This matter was originally heard in 2018 and denied with a 3-2 vote. Existing members at the time were Members Kearns, Lyle and Chair. Other two members were Bart and Barr who are no longer serving on the Board. Their attorney appealed the decision to Superior Court who remanded it back to the Zoning Board for finding of facts. The hearing stands and it is the Zoning Board's duty to review the transcripts and determine if there are sufficient findings of fact. Attorney DeSisto stated the appeal took two years. Transcripts have been provided to the Board members for their review and Judge Vogel has jurisdiction on the case.

Member Mancini asked when the application was denied did the applicant have the opportunity to get a wetlands waiver but took the appeal instead. Has anything changed and Attorney DeSisto replied "no". Statements need to be made by Members once they have reviewed the transcripts. Transcripts will ensure the Board is comfortable proceeding on some of the issues. Member Ruggiero stated he has not had a chance to review the transcript and was not comfortable and would like to see the matter continued so he has a chance to review. Attorney DeSisto stated the Town has ordered their own set of transcripts for members to review. Members in agreement that more time is necessary to review transcripts.

Motion made by Chairman to continue the matter to the April agenda. Motion seconded by Member Ruggiero. Motion carried by all present.

Motion made by Member Ruggiero to adjourn the meeting. Motion seconded by Member Lyle and carried by all present.

Respectfully submitted,
Ghislaine D. Therien
Recording Secretary