

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of November 1st, 2022 Meeting

Present: David DeAngelis- Chairman, Secretary Stephen Kearns, John Mancini, Frank Spezzano, Kazem Farhoumand, Attorney DeSisto

Excused: Charles Ruggerio, Lori Lyle- Vice Chairperson

Minutes: October Minutes

Correspondence:

Applications:

Motion to approve the October minutes made by Member Mancini, Second by Secretary Kearns. All in favor.

No Correspondence this month.

Vice Chair Lyle and Member Ruggerio are excused. Voting members this month are Chairman, Secretary Stephen Kearns, John Mancini, Frank Spezzano, and Kazem Farhoumand.

Jackie and Felix Fernandes, 13 David Dr., Lincoln, RI 02865- Application for Dimensional Variance for side setback relief for an addition on single family residential located at 13 David Dr., Lincoln, RI 02865

AP 14, Lot 196

Zoned: RS-12

Chairman: This application represents a request for a Dimensional Variance to construct an addition. The applicant is proposing to add an accessory family dwelling unit addition to the left side of the existing house. This property is located on a corner even though the road is of the same name. The addition is proposed to be 5.7' from the side property line which 32.5' is required. Therefore, the applicant would need **26.8'** of side relief for the proposed addition. The front of the existing house has some encroachment issues, according to the survey. However, the dimensional information is not on the survey to calculate the relief. The existing rear deck has the same issues. The proposed addition puts this property over the lot coverage limit. Currently the existing house, decks and shed add up to 2,235 square feet of cover which 2,409 square feet (20%) is allowed. The addition adds 392 square feet bringing the total to 2,627 square feet of cover. Therefore, the applicant would need **218 square feet or 1.8%** of lot coverage relief for this addition.

Member Mancini excused himself from being a voting member on this application because he is an abutter to this property. He will not be sitting in on this application, will not be speaking or voting on the decision for this application.

Chairman: There are only four people here now to vote on this application, now there is not a quorum. I spoke with Attorney Shekarchi (attorney for the applicant) prior to the meeting and it appears they want to have a continuance.

Attorney Shekarchi: The architect is not available for tonight, and we would like them to be available to go over the plan. We ask that we have a continuance to January.

The council for The Board: Makes recommendation for The Board to make a motion to have the application continue to the January meeting.

Chairman: The January meeting is on January 3rd. Motion to request to continue this to January 3, 2023 on two conditions. One the request of council and two because the architect is not here coupled with the fact we do not have a quorum. Chairman makes this motion, second by Secretary Kearns. All in favor.

Continuance to January granted.

Secretary Kearns: Questions on the plans. Comments: plan is very small to read.

Member Mancini reinstated.

Pamela Villella, 170 Jenckes Hill Rd, Lincoln RI 02865- Application for Dimensional Variance for side setback relief for an addition on single family residential located at 170 Jenckes Hill Rd, Lincoln RI 02865.

AP 26, Lot 74

Zoned: RA-40

Chairman: This application represents a request for a Dimensional Variance for the construction of an addition. The applicant is proposing to construct an addition to the rear of the existing house. The proposed addition is 25.5' from the side property line at the northwest corner which 30.8' is required. Therefore, the applicant would need **5.3'** side relief at the northwest corner of the proposed addition. The proposed addition is 29.6' from the side property line at the southwest corner which 30.8' is required. Therefore, the applicant would need **1.2'** side relief at the southwest corner of the proposed addition. The front of the existing house appears to have some setback encroachments. However, there is no dimensional information to calculate the relief needed. The property meets the lot coverage requirements even with the proposed addition.

Mr. D'Amico- D'Amico Engineering sworn in.

Chairman: The proposed addition is 25.5' from the side property line at the northwest corner which 30.8' is required. Therefore, the applicant would need **5.3'** side relief at the northwest corner of the proposed addition. The proposed addition is 29.6' from the side property line at the southwest corner which 30.8' is required. Therefore, the applicant would need **1.2'** side relief at the southwest corner of the proposed addition. Reads in standards: 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.

Mr. D'Amico: This is a non-conforming existing lot, house built in 1949 circa.

Pamela Villella: sworn in-Bought the house in 2004.

Chairman: Do you have kids?

Pamela Villella: Yes, two girls.

Chairman: Kids when the house was bought?

Pamela Villella: No

Mr. D'Amico: Hands out plans for The Board for the record.

Chairman: Introduces them as exhibit 1. Extending 24ft/26ft addition of a bedroom on the second floor and extending the living space on the first floor. Any further questions?

- No questions

Chairman: Reads recommendation from the TRC; Application for a dimensional variance to allow a two-story addition that encroaches into the side setback. The TRC reviewed the plans and found the request for relief to be warranted based on the findings that the RA-40 setbacks applied to this corner lot leaves no compliant alternatives, the proposed addition is in the most reasonable location, and the proposed addition encroaches less into the setback than the existing building. Based on the above findings and positive recommendation from the TRC, the Planning Board unanimously voted (6-0) to forward a *positive recommendation* on this application to the Zoning Board of Review.

Chairman: Was there any other place for this addition.

Mr. D'Amico: This was the only fitting place.

Public comment: No public comment, no online comment.

Secretary Kearns: Does it fit into the neighborhood?

Mr. D'Amico: There are many different houses in the surrounding area, it would fit in.

Chairman: We would like to bring the entire property to be conforming. Makes motion to approve Dimensional Variance of 5.3 ft. on the North West corner, and 1.2 ft. on the South West corner, and 12.1 ft. of relief on the front which was previously non-conforming. Based on standards 1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? - No 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, the house was bought without children and now the family has extended. 3. Granting of the variance will not alter the general character of the neighborhood, no altering surrounding area. 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, the hardship is needing more space, hard with three people and two bedrooms.

Motion second by Secretary Kearns. All in favor Dimensional Variance granted.

No December applications. Only application for January is the continuance.

Motion to adjourn made by Member Mancini, Second by Secretary Kearns. All in favor.