

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of July 11th, 2023 Meeting

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

Excused:

Minutes: June Minutes

Correspondence: No

Applications:

Motion to accept June minutes made by Secretary Kearns; Second by Vice Chairperson Lyle.

Marietta Foster, 1104 Smithfield Ave, Lincoln, RI 02865- Application for Dimensional Variance for lot width and area relief to convert commercial space into second residential unit located at 1104 Smithfield Ave, Lincoln, RI 02865.

AP 7, Lot 88

Zoned: RG- 7/ RL-9

Chairman: This application represents a request for a Dimensional Variance for relief to convert an existing commercial unit to a residential unit. The applicant is proposing to convert a second building on the property which was once a commercial space to a residential unit. This action would make this property all residential, if approved, with two units. Because this is a change of use, the applicant needs relief on lot width, lot area and is requesting parking relief. The property is split zoned between RG-7 and RL-9 with the majority of the property in RG-7. The property has 6,750 square feet of land which 8,500 is required for a two family. Therefore, the applicant would need **1,750 square feet** of lot area relief. The property has 45' of lot width which 70' is required for a two family. Therefore, the applicant would need **25'** of lot width relief. The site plan did not delineate any 9'x20' conforming parking spaces but seems to have at least one. This application would require four off street parking spaces. Therefore, under this plan the applicant would need relief on **3** off street parking spaces.

Reads 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.

Marietta Foster- Applicant, sworn in. Property has two buildings a single family home and an assessor building (old tailors shop) Prior to owning the property, bought in 2000.

Member Mancini: Tailor was the last one there?

Foster: There was an American Girl Doll clothes shop there but nothing since I have owned it.

Chairman: Vacant for 20+ years.

Applicant: Yes, I want to sell to be closer to my daughter in New Hampshire hard to sell as it is. Goal is to get building in front out of commercial to residential.

Chairman: Any alternations to that building if you're granted variance?

Applicant: convert to a studio, it has to be livable space.

Chairman: Does it have own utilities?

Applicant: Yes, all own. Put new roof few years ago.

Chairman: Was just wondering, aesthetically what would be changed. For altering the surrounding area part of the standards.

Applicant: All the properties are residential.

Chairman: That would make it more conforming to the area- making it residential.

Secretary Kearns: Roof line is staying the same?

Applicant: Yes, with the new roof nothing is changing.

Vice Chairperson Lyle: Are you adding a bathroom, bedroom, kitchen area?

Applicant: Leaving it an open space, as a studio. Will add small kitchen area. It has bathroom and will make small adjustments to the bath.

Member Ruggerio: Is there an entry way between this and the house? Entry from the residential into the building?

Applicant: There is no attached entry way.

Vice Chairperson Lyle: Will it be easier sell if this is a residential?

Applicant: Hoping so, it will expand the entry pool for buyers.

Vice Chairperson Lyle: How about parking.

Applicant: I have one vehicle right now, there are two spaces.

Chairman: You would be required four spaces, is that area a road or a driveway?

Applicant: That is an easement it is shared with the neighbors.

Chairman: Parking for the smaller structure?

Applicant: That is why I am asking for relief. Smithfield Ave has street parking. There is asphalt in the back for parking.

Discussion of different parking situations; parking along the back. Near the front tree area which is no longer there applicant had tree removed. The possibility of making the existing concrete parking larger to allow for two more parking areas. Applicant seems hesitant on the idea of expanding the parking for two more cars, financial – but will do if it is mandatory.

Chairman: Reads TRC recommendation; Based upon the findings that the granting of the relief for the lot area and lot width would be consistent with the Comprehensive Plan, would bring the use of the existing building into conformance with zoning, and would not undermine have negative impacts, but also finding that the relief for the off street parking is not warranted, the Planning Board recommends that the Zoning Board of Review **approve** the relief for lot area and lot width and **deny** on the relief for off-street parking

No public comment.

Secretary Kearns: Applicant willing to if approved then a condition request for meeting the parking.

Chairman: Yes, my recommendation would be condition. Decision gets recorded when parking plan that meets Zoning Official Hervieux approval.

Zoning Official Hervieux: Yes.

Council: Yes.

Vice Chairperson Lyle: There is a discrepancy in the relief number. 6750 sq. / ft. and need 8500 sq. / ft. but I saw 6970 sq./ ft. in the report. Which is correct.

Applicant: Believes it is 6750 sq. /ft.

Zoning Official Hervieux checks tax assessors' map.

Zoning Official Hervieux: It is 45 x 150 correct is 6750 sq. /ft.

Vice Chairperson Lyle: Makes motion to approve with conditions.

This application represents a request for a Dimensional Variance for relief to convert an existing commercial unit to a residential unit. The applicant is proposing to convert a second building on the property which was once a commercial space to a residential unit. This action would make this property all residential, if approved, with two units. Because this is a change of use, the applicant needs relief on lot width, lot area and is requesting parking relief. The property is split zoned between RG-7 and RL-9 with the majority of the property in RG-7. The property has 6,750 square feet of land which 8,500 is required for a two family. Therefore, the applicant would need **1,750 square feet** of lot area relief. The property has 45' of lot width which 70' is required for a two family. Therefore, the applicant would need **25'** of lot width relief. The site plan did not delineate any 9'x20' conforming parking spaces but seems to

have at least one. This application would require four off street parking spaces. Therefore, under this plan the applicant would need relief on **3** off street parking spaces.

1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? - it will be in line with the surrounding area 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. - No prior action or financial gain 3. Granting of the variance will not alter the general character of the neighborhood. - It will not alter the surrounding area, no alterations. 4. What is asked of the Board is reasonable and least relief necessary. - This is the less relief necessary 5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this- this would be more than a mere inconvenience.

With condition on parking; in compliance and reviewed by Zoning Official Hervieux with his approval. Second by secretary Kearns. All in favor.

Chairman: Only follow up is to come in with drawing plan for parking with the Zoning Officials approval to go forward.

Dimensional Variance Granted

Dr. Gerald and Patricia Marsocci, 3 Whitman Way, Lincoln, RI 02865- Application for Dimensional Variance for rear setback relief for the construction of an addition on a single family home located at 3 Whitman Way, Lincoln, RI 02865

AP 29, Lot 392

Zoned: RS 20

Chairman: This application represents a request for a Dimensional Variance for the construction of an addition. The applicant is proposing to construct an addition in place of an existing patio for a sitting area. The applicant did provide a copy of the original survey of when the house was constructed. However, the survey did not accurately depict the proposed addition. Therefore, I was unable to do accurate calculations for the relief needed. I did some calculations based on the as built survey which I will present at the meeting. However, I will not be able to verify the accuracy of these dimensions. The property would still meet the requirements of lot coverage even with the addition.

Reads 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.

Patricia Marsocci: Applicant sworn in.

Chairman: Questions the dimensions.

Zoning Official Hervieux: Not verifiable written graph on the as built. Looks like with my calculations, 31.5 ft. and 37.5 ft. is required- the NW corner 6ft of relief. 39 ft. And 37.5 ft. Is required at the SW corner, 1.5 ft. over. No relief needed at the SW corner.

Chair to Solicitor: Opinion from Solicitor for advice to love forward with Zoning Official Hervieux dimensions.

Solicitor: There are standards throughout the state. Verifiable info needs to be present other than Zoning Official Hervieux. The exact amount and concrete.

Secretary Kearns: This is a survey the way Zoning Official Hervieux went about his calculations make sense. Seems to me the dimensions from Zoning Official Hervieux are concrete. I would rely on his calculations.

Member Mancini: Agrees with Secretary Kearns. There is not an extreme amount of relief only 6.5ft.

Member Ruggerio: Comfortable making a motion on up to the amount calculated by Zoning Official Hervieux of 6.5 ft. And nothing more.

Solicitor: Open to hear from the contractor.

Zoning Official Hervieux: I would be comfortable since the applicant is here. At the building permit stage there would need to be verifiable site plan.

Applicant: Behind the house does the Town count the hill of the property?

Joseph Karouz- contractor: sworn in.

****Member Farhoumand- has been excused. ****

Joseph Karouz: Build on the existing structure.

Member Ruggerio: Ok with giving you up to 6.5 ft. In that corner? Are the plans you submitted adhere to that?

Joseph Karouz: yes, just building up.

Secretary Kearns: Calculations?

Joseph Karouz: 14 ft. off the house 20 ft. Wide to the other side.

Member Ruggerio: Understand the building envelope?

Joseph Karouz: Yes.

Zoning Official Hervieux: Site plan would need to be submitted to verify no further encroachment.

Chairman: Based upon the findings that the granting of the relief would not have negative impacts to the surrounding area and is consistent with the Comprehensive Plan, the Planning Board recommends that the Zoning Board of Review *approve* this application with the conditions that the applicant provide a site plan with accurate dimensions and that the building addition be no larger than the existing patio.

No public comment.

Member Ruggerio: Motion to approve grant up to 6.5 ft. Of relief at the NW corner subject to issue of the site plan.

Standards: 1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? - Unique land, less relief. 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.- No prior action, financial gain. It is for the enjoyment of the property. Applicant had severe allergies and wants to enjoy the outdoors enclosed. 3. Granting of the variance will not alter the general character of the neighborhood. - No altering the surrounding area. 4. What is asked of the Board is reasonable and least relief necessary. - Less 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. Mere inconvenience. Yea wants to enjoy property and the space.

Second by Member Mancini. All in favor.

Dimensional Variance Granted

Chairman: Next meeting August 1st – Chair will not be there. Five applications.

Meeting adjourn motion made by Member Ruggerio. Second Secretary Kearns. All in favor.