

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of October 3, 2023, Meeting

Present: David DeAngelis- Chairman, Lori Lyle- Vice Chairperson, Frank Spezzano, Kazem Farhoumand, Council- Stephen Antonucci

Excused: Secretary Stephen Kearns and Charles Ruggerio

Minutes: September Minutes

Correspondence:

Applications:

Discussion between Attorney DeSisto and Chairman of quorum based on state regulations- only need four members including alternates. Meeting can continue.

Motion to accept minutes from the September meeting motion made by Vice Chairperson Lyle, second by Member Farhoumand.

Marco and Erika Loreda, 30 Smith St., Lincoln, RI 02865- Application for Special Use Permit to add four residential units to a two-unit residential property for a total of six residential units located at 11-13 Gardiner Ave, Lincoln, RI 02865.

AP 1, Lot 83

Zoned: RG 7

Marco and Erika Loreda, 30 Smith St., Lincoln, RI 02865- Application for Dimensional Variance for rear setback relief for the construction of two – two family residential homes located at 11-13 Gardiner Ave, Lincoln, RI 02865

AP 1, Lot 83

Zoned: RG 7

Chairman: These applications have asked to withdraw without prejudice, for both of their applications. Motion made by Chairman to withdraw both applications the Special Use Permit and the Dimensional Variance without prejudice. Second by Vice Chairperson Lyle. All in favor.

Dream Homes Realty, INC., 221 Putnam Pike, Johnston, RI 02919- Application for Special Use Permit to convert two family residential dwelling to a three-family residential dwelling located at 24 Arnold St. Lincoln, RI 02865.

AP 12 lot 187

Zone: RG-7

Dream Homes Realty, INC., 221 Putnam Pike, Johnston, RI 02919- Application for Dimensional Variance for lot width relief for third residential unit dwelling located at 24 Arnold St. Lincoln, RI 02865.

AP 12 lot 187

Zone: RG-7

Applicants sworn in: Amir Rasheed and Sana Bibi.

All four members will be voting members.

Chairman: This application represents a request for a Special Use Permit for a three-family residential building. The applicant is proposing to convert an existing two-family dwelling into a three-family dwelling. The only exterior construction is to add a stairway from the third floor to the ground level. The property is located in the RG-7 zone which allows multi-family residential with a Special Use Permit

under section 260-9C. The property meets the dimensional requirements for a three family with the exception of lot width which the applicant is requesting relief on. The applicant is proposing to add off street parking to meet the parking standard. This application represents a request for a Dimensional Variance for a three-family residential building. The applicant is proposing to convert an existing two-family dwelling into a three-family dwelling with less than the required lot width. The property has 75' of lot width which 80' is required for a three-family use. Therefore, the applicant would need 5' of lot width relief for a three-family use. The property meets or exceeds the other dimensional requirements for this zone. The applicant included an updated site plan which is dated September 8, 2023, which is included in your packets. Applications will be heard together. Special Use Permit has standards that This Board looks at Reads standards for a Special Use Permit 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. Reads standards 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.

Amir Rasheed: Home used to be a three family, but 15 years ago it was converted down to a two family. Only need new parking proposal. Six parking spots, side-by-side. We updated the proposal to not block cars in.

Chairman: If you are converting to a three family, you need six parking spots. Is the driveway off Arnold Street?

Amir Rasheed: Yes.

Chairman: Three family, can still get Town trash?

Attorney DeSisto: Yes. It is a four family or more.

Chairman: Physically its still set up for a three-family.

Rasheed: Yes.

Chairman: How many meters?

Rasheed: Two, but I can request a third, I can't request the third one until it is legally approved to a three family. No construction needed, other than a fire escape.

Vice Chairperson Lyle: when was it converted from three to a two family?

Rasheed: 1995 it was converted.

Chairman: Third floor vacant?

Rasheed: Yes, open.

Chairman: Are there residents on the other floors?

Rasheed: Yes, section eight.

Chairman: How many cars now?

Rasheed: None, one in front of the house.

Chairman: Other three families in the area?

Rasheed: Yes, on the same street there are two families, and three families.

Chairman: No physical construction?

Rasheed: No, just the fire escape needs to go to the third floor.

Chairman: Bought the property six months ago?

Rasheed: Six months ago.

Member Farhoumand: What you're showing is fire escape, what is that door?

Rasheed: The fire escape is supposed to be up to the third floor.

Member Farhoumand: Main entrance is through the house?

Rasheed: Yes, that is only a fire escape.

Vice Chairperson Lyle: Parking, any additional lighting?

Rasheed: There is one already three, I will add more.

Vice Chairperson Lyle: Lighting attached?

Rasheed: Yes, to the building, solar- adding four more.

Vice Chairperson Lyle: Will you be living there?

Rasheed: No.

Chairman reads TRC report. Based upon the findings that the granting of the special use permit would be consistent with residential uses in the neighborhood and that the proposed use and density 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 explore the expansion of the parking area for safety and ease of ingress/egress and that stormwater mitigation be submitted to the Town Engineer for review and approval. Based upon the findings that the granting of the dimensional relief would be consistent with the neighborhood and that the proposal 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 explore the expansion of the parking area for safety and ease of ingress/egress and that stormwater mitigation be submitted to the Town Engineer for review and approval.

Chairman: Did anyone talk to you about storm water mitigation? This may be a condition.

Rasheed: Agrees to follow everything.

Public Hearing

Rod Luther: Sworn in. Parking problem in that area. Main concern is the parking.

Dan Dugan: Sworn in. Same concerns as above. Speeding and parking in front of his house, in front of his trash/ recycling. He's worried about how many people will be living in the building. He also said there's been criminal activity at the property. His opinion is that the more people living there will cause more problems.

Chairman- shows both proposed parking plan.

Chairman: We look at the applications and see what they need and prove they can make it. Two parking spots per apartment is the ordinance. If he wants to make this a three family, they need six parking places. If they show us a parking plan safely fitting that's the only thing we consider.

Attorney DeSisto: 260-31-A- ordinance 2 spaces per dwelling. They meet the requirements. Seems like it is a law enforcement issue.

Chairman: A handicap parking was approved at Arnold. Since six parking will be on the location can we remove the handicap sign?

Attorney DeSisto: Condition it, onsite parking. Safer onsite oppose to across the street. Parking needs to be ADA complaint for the handicap spot. Work with the police to remove the sign on the street.

Rasheed: Inherited the second-floor tenant- did not rent to him, he stayed from the previous landlord. Agreed to remove the street handicap and put it in the lot.

Chairman: Do you own any other rental properties?

Rasheed: Yes. This is the first in Lincoln. They are all clean and landscaped. Visits every two weeks.

Vice Chair Lyle: motion to approve the application for a special use permit to convert the two-family dwelling into a three-family dwelling.

1-The use is specifically allowed under Section 260-7C for multifamily dwellings.

2-The Application meets all the criteria set forth in the chapter authorizing the special use, such as parking and lighting. There was testimony from the Applicant that there will be six parking spaces with adequate lighting, especially since sufficient parking is provided and that the exterior alterations are minimal.

3-The general character of the surrounding area will not be altered by granting the special use permit. There are no needed exterior alterations and there are other multifamily dwellings in the neighborhood.

4-The special use conforms with the comprehensive plan and zoning ordinance; based on the zone there are other multifamily dwellings in the area, including three family dwellings in the neighborhood.

Motion approved with conditions.

1-Applicant will address the stormwater drainage and runoff in the new parking area on-site to the satisfaction of the Town's Building Official and Town Engineer.

2-The handicapped parking spot on the street will be incorporated into the new parking area and the Applicant will notify and work with the Lincoln Police Department to have the current handicapped parking spot removed from the street and relocated to a new location in the parking area on-site that is ADA compliant.

Motion to approve the application for a dimensional variance.

1-The building is basically constructed as a three-family dwelling unit, although it is currently a two-family dwelling. Vice Chair Lyle noted that the relief requested is minimal.

2-The hardship is due to the unique characteristics of the subject structure and not the general characteristics of the surrounding area; and is not due to the physical or economic disability of the applicant. It is certainly none of these. The building was previously a three family, then converted to a two-family dwelling.

3-The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. Although the granting of the variance will result in a financial gain, it will not be greater since the building was a three-family dwelling in the first place.

4-The granting of the variance will not alter the general character of the surrounding area. The three families will fit in with the surrounding area since there are no real exterior alterations needed and there are other three family dwellings in the neighborhood.

5-The relief to be granted is the least relief necessary. The building is already designed for a three-family dwelling.

6-The hardship that will be suffered is more than a mere inconvenience because again, the building is set up as a three-family dwelling.

Chairman: Asks for an additional condition, fire escape only be used in emergencies and not for daily ingress and egress. Vice Chair Lyle agrees and adds this additional condition. Motion Second by Member Farhoumand.

Jeffrey & Sarah Crompton, 30 Dexter Rock Road, Lincoln, RI 02865- Request for location of farm stand on the property located 30 Dexter Rock Road, Lincoln, RI 02865.

AP 23 lot 109

Zone: RA-40

Chairman: This is an unusual request. This is not an application but a request for approval on a location for a farm stand. According to the zoning ordinance section 260-8E, retail sales of produce grown on the property in the RA-40 zone, which this property is located in, is an allowed use subject to the location approved by the Zoning Board. Therefore, there are no standards that need to be met. You just need to come to an agreement on the location of the stand. A motion would be appropriate for this agreement, but no findings are required. 260-8-E Applicant is requesting installation of a farmstand. No requirements/standards for a farmstand like there are for other applications, it is just you explaining to us what you want to do.

Jeffrey Crompton: We moved into my grandparents' farmhouse. We have an excess of goods and want to sell to neighbors out on the street. We have an 300ft. frontage and expanded on it.

Chairman: How big will it be?

Jeffrey Crompton: 4ft. by 6ft. movable by a tractor, it will be on a pallet.

Chairman: What kind of products?

Jeffrey Crompton: Excess vegetables.

Chairman: Drive by?

Jeffrey Crompton: Yes, with the honors system- like Butterfly Farms.

Chairman: Will property and farm stand be situated for cars to safely pull over?

Jeffrey Crompton: It is a gravel driveway, 18ft x 44ft. allow for a couple of parking spaces and a turnaround.

Vice Chairperson Lyle: Where is it near Lincoln Country Club?

Jeffrey Crompton: Near the big willow tree. There will be doors on it, locked at the end of the day.

Vice Chairperson Lyle: Open all day?

Jeffrey Crompton: Yes, sunrise/ sunset.

Chairman: Seasonal?

Jeffrey Crompton: Year-round. We will remove the snow near it.

Motion to approve application made by Member Spezzano, ADD ZO REPORT as presented.

Second by Member Farhoumand. All in favor.

Progress of the Comprehensive Plan Advisory Committee.

Was not discussed.

Chairman: No November meeting. Probably not until December/ January new standards/ regulations. Is there a possibility of going over administrative stuff instead of having no November meeting.

Attorney DeSisto: New ordinances. I will provide language to Grace for the posting, it is not a public meeting- it is Zoning Board discussion of business and changes.

Meeting adjourn motion made by Vice Chairperson Lyle, Second by Member Spezzano. All in favor.