

Town of Lincoln
Zoning Board of Review
100 Old River Road, Lincoln, RI
Minutes of February 6, 2024, Meeting

Present: David DeAngelis- Chairman, Lori Lyle- Vice Chairperson, Secretary Stephen Kearns, Frank Spezzano, Kazem Farhoumand, Member Denerstein Council- Anthony DeSisto

Excused:

Minutes: January Minutes

Correspondence:

Applications:

Chairman: Two members have left the board. Alternate Spezzano, Alternate Farhoumand. The rest of the members are assigned to districts. District four is currently vacant. This is based off where members reside. There are five districts in Lincoln- 5 members, with two alternates. Two applications tonight, Member Denerstein will observe since it is his first meeting. Our new Zoning Official Tom Peck. Some strategy changes are coming this year to Zoning.

Secretary Kearns: Different standards we go by now. Did they change?

Attorney DeSisto: The General Assembly office passed a lot of amendments which are in effect now- new laws and regulations. When the applications were filed it was prior to the cut off of the new rules. Amendments do not affect the Zoning enabling act was in effect. Use old standards for these. Every application going forward from here will use the new changes.

Chairman: Questions if it would be less of a hassle is applicant filed in January rather than in November.

Attorney DeSisto: No major impact for those tonight.

Motion to accept minutes from the January meeting motion made Secretary Kearns, second by Vice Chairperson Lyle. All in favor.

Knock on Wood Furniture, 1661 Lonsdale Ave., Lincoln, RI 02865- Application for extension of vesting rights to rebuild building which was destroyed by fire located at 1661 Lonsdale Ave Lincoln, RI 02865.

AP 5, Lot 25

Zoned: VCMU

Chairman: This application is for an extension of vesting rights under Article IX 260-55: Building or structure nonconforming by dimension, subsection J. And Article XIII 260-71: Time limit. This request is to rebuild the structure which was destroyed by fire in December of 2022. The property is located at 1661 Lonsdale Avenue, Lincoln, RI 02865. AP 5, Lot 25 Zoned: VCMU. The applicant has the ability to rebuild if they ask for the opportunity to do so.

Michael Gordon: Sworn in. Trying to decide what to do in the future. Thought when they moved it would be ok, but they would like to move back to Lincoln and rebuild.

Chairman: “grandfathered” actually means vesting rights. You would have the ability to rebuild with proper building permits. Do you wish to extend your rights?

Michael Gordon: Yes.

Attorney DeSisto: Simple as a motion is sufficient.

No further questions.

Motion to extend vesting rights under 926-65 for Knock on Wood Furniture, 1661 Lonsdale Ave., Lincoln, RI 02865 made by Chairman, second by Secretary Kearns. All in favor.

Angela DiDomenico, 2 Nottingham Drive, Lincoln, RI 02865- Application for Dimensional Variance for relief of side and rear setbacks for proposed addition located at 2 Nottingham Drive, Lincoln, RI 02865.

AP 12, Lot 217

Zoned: RL 9

Chairman: This application represents a request for a Dimensional Variance for an addition. The applicant is proposing to remove the existing shed, and add a single car garage, dining/lounge area, utility/study room, as well as an open porch as parts of the addition. The addition is 7'6" from the side property line on the northeast side which 13'2" is required. Therefore, the applicant would need 5'6" of side relief on the northeast side of the addition. The addition is 24'9" from the rear property line on the west side which 35'2" is required. Therefore, the applicant would need 10'3" of rear relief on the rear west side of the addition. The house has some existing non-conformities. The existing house is 10.6' from the side property line on the northwest side, of which 13.2' is required. Therefore, the applicant would need 2.6' of side relief on the northwest side of the existing house. The property with the proposed addition meets the lot coverage requirements. The applicant supplied an amended site plan after the TRC meeting called "Addendum #1", which this report is based on. The Planning board and TRC did not see or make a recommendation regarding this plan due to time constraints.

Nigel Kelly: Sworn in.

Chairman: You are looking to remove existing shed and add addition.

Nigel Kelly: Correct.

Chairman: The addition is 7'6" from the side property line on the northeast side which 13'2" is required. Therefore, the applicant would need 5'6" of side relief on the northeast side of the addition.

Nigel Kelly: yes.

Chairman: The addition is 24'9" from the rear property line on the west side which 35'2" is required. Therefore, the applicant would need 10'3" of rear relief on the rear west side of the addition. The house has some existing non-conformities. The existing house is 10.6' from the side property line on the northwest side, of which 13.2' is required. Therefore, the applicant would need 2.6' of side relief on the northwest side of the existing house. We look at the entire structure and wrap it in the entire property to be conforming.

Secretary Kearns: The survey has 10.6 inches from side relief, in report is says 10.6 ft- should it be 10.5ft?

Chairman: Chairman 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.

Nigel Kelly: Looking to put single garage, in between main room is to have a dinning place to have family gathering. Want to insert a grand piano, my son is away at college right now but will be home to play. Family area off to the far end.

Chairman: Did you explore any other area?

Nigel Kelly: Existing driveway to match with garage, not much room with the boundary to the side. This is the only space.

Chairman: How long have you lived here?

Nigel Kelly: I have been here 3 years, Angela for 18 years.

Chairman: I am not familiar with the area, hoping another board member is,

Member Denerstein: Drove by it today, I think it would fit with the surrounding area.

Vice Chairperson Lyle: I am familiar with the area, it would fit. How many bedrooms in the house?

Nigel Kelly: Three, we live there. My son has a room and Angela's youngest.

Vice Chairperson Lyle: Same look for the outside with the addition?

Nigel Kelly: Yes.

Chairman: Usually we ask for renderings, but testimony will do.

Nigel Kelly: Plastic siding to match. Porch we are not sure of the material yet.

Chairman: Goal is to have to all match?

Nigel Kelly: Yes.

Member Denerstein: Total sq./ft. 8000 or 600?

Nigel Kelly: 8000.

Attorney DeSisto: That is for the lot size.

Member Denerstein: House?

Zoning Official Peck: 1136 sq./ft. existing size, addition proposed is 750 sq./ft. total with addition is 1886 sq./ft.

Chairman: Reads TRC. Application for dimensional variances to allow an addition to a single-family residence to encroach into the side and rear yard setbacks in a RL-9 zone. Please note that there is an amended plan received AFTER the review and recommendation by the TRC. The distance between the addition and the side property line is reduced from 7.5' to 6' and an open porch was added to the rear, reducing the distance from the addition to the rear setback from 30' to 24.9'. The revised plan is NOT considered in the analysis, findings, or recommendation of this report. **Recommendation:**

Based upon the findings that the granting of the dimensional relief would be consistent with the neighborhood and that the request is consistent with the Comprehensive Plan, the TRC voted (5-0, Members Reilly and Almond were absent) to recommend that the Planning Board make a *positive recommendation* on this application to the Zoning Board of Review.

Public:

David Hart: Sworn in. Abutter. I think their house is the only one without a garage. Doesn't have a problem with it.

No further questions.

Vice Chairperson Lyle makes motion to approve application for Angela DiDomenico, 2 Nottingham Drive, Lincoln, RI 02865- Application for Dimensional Variance for relief of side and rear setbacks for proposed addition located at 2 Nottingham Drive, Lincoln, RI 02865. The applicant is proposing to remove the existing shed, and add a single car garage, dining/lounge area, utility/study room, as well as an open porch as parts of the addition. The addition is 7'6" from the side property line on the northeast side which 13'2" is required. Therefore, the applicant would need 5'6" of side relief on the northeast side of the addition. The addition is 24'9" from the rear property line on the west side which 35'2" is required. Therefore, the applicant would need 10'3" of rear relief on the rear west side of the addition. The house has some existing non-conformities. The existing house is 10.6' from the side property line on the northwest side, of which 13.2' is required. Therefore, the applicant would need 2.6' of side relief on the northwest side of the existing house. Go on record stated by Chairman. 10.5 ft is existing 13'2" is required 2.7 ft of side relief. Based on standards 1. Is there a hardship due to unique characteristics of land that is not any physical or economic disability? – present with pre-non-conforming. It is a small house. 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. - Provide extra space to accommodate family 3. Granting of the variance will not alter the general character of the neighborhood. – It would fit into the neighborhood; other homes have garages. 4. What is asked of the Board is reasonable and least relief necessary. – Testimony, this is the only area near driveway, will be using same material. 5. For a Dimensional Variance is there a hardship that's more than a mere inconvenience, which results in you needing this variance- so they can stay in the neighborhood.

Discussion of amendments to the Zoning Ordinance required by the recent changes enacted by the General Assembly to the State Zoning Enabling Act. Not Discussed

Progress of the Comprehensive Plan Advisory Committee.

Secretary Kearns: Meeting was about the hosing element. Looked at data and policies. A public hearing is in April- to talk about visions of Lincoln. Two more elements to discuss. Believe should be ready by summer to vote and send it to Town Council.

Attorney DeSisto: Once you all get done it goes to the Planning Board to send recommendation to Town Council for them to make recommendation to then be adopted.

Chairman: No meeting in March.

Meeting adjourn motion made by Vice Chairperson Lyle, Second by Secretary Kearns. All in favor.