

ZONING BOARD OF REVIEW MINUTES

Tuesday, July 24, 2018 Meeting 7:00 pm

Town Council Chambers, Town Hall

Present: Richard Land, Chair; Renu Englehart, Vice-Chair; Ashley Cullion, Christopher Mulhearn, Melody Alger (Alternate) and Barry Golden (Alternate).

Absent: Jody Sceery.

Staff: Lea Anthony Hitchen, Assistant Town Planner David D'Agostino, Town Solicitor.

Mr. Land, Chair of the Board, called the meeting to order at 7:00 PM and introduced the members and staff present. He then read the Board's procedures into the record. Each person addressing the Board will first state his or her name and address for the record. The applicant and his or her legal representative will present the case and witnesses may be called to testify. Such testimony must be relevant to the application. Expert witnesses will be sworn in and there will be no prejudgment as to the expertise of any witness. Pictures, diagrams and other documents given to the Board as evidence will be appropriately marked as exhibits and will be retained by the Board for the record. Upon completion of the applicant's presentation all other persons wishing to offer evidence in favor of the application may then do so one at a time. Following that all persons wishing to offer evidence against the application may then do so one at a time. It is asked that comments are confined to the zoning matter being heard and that repetitive remarks are avoided. Cross examination or rebuttal may be allowed if the Board feels it would be appropriate and useful. All questions from the floor will be directed through the Chair only. After all relevant facts have been heard the Chair will call for a motion; the Board will then discuss the motion and the Chair will call for a vote. During the discussion among voting Board members, the Board will not accept any new and further testimony unless it is specifically requested by a Board member. The Board will make every attempt this evening to render a decision. The written decision will be recorded in the Town Clerk's Office as soon as possible following the approval of the minutes of the meeting.

Zoning Board of Review Hearings – 7:00 PM

1. **East Greenwich Yacht Club** for property located at 10 Water Street; Map 85 A.P. 1 Lot 1 (Zoned Commercial Highway, CH). The Applicant requires a Dimensional Variance from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone which sets forth the setbacks for the zone. The Applicant is requesting to move the historic “Chapman Cottage,” a 20’x22’ structure, to the north property line which will not comply with the 50’ front setback requirement; the cottage will encroach up to 50’.

(Ms. Cullion recused herself from the application and left the dais.)

Mr. Jason Dittelman, Commodore of the East Greenwich Yacht Club, represented the application.

Ms. Hitchen stated she prepared the whole application for the applicant as a courtesy including notifying the abutters since the request before the Zoning Board is a compromise between the Applicant and the Historic District Commission after over a decade of the Yacht Club seeking to demolish the structure.

Mr. Land summarized the application for Mr. Dittelman. He explained the East Greenwich Yacht Club has a historic building located in their parking lot called the “Chapman Cottage.” They have been before the Historic District Commission several times over the last decade seeking to demolish the structure; the demolition requests have been denied. At this time the Applicant would like to relocate the building to the northern most part of the property so that it is effectively out of the way for vehicle parking during the summer and boat storage during the winter. There is another structure to the north of the Chapman Cottage called the Steward’s Building that the Historic District Commission recently approved to be demolished which will also assist in opening up the parking area. The relief the Applicant is seeking is effectively to remove the setback requirement; the Historic District Commission and Staff have reviewed the application and do not object to the relief being sought. The plan is to have the cottage relocated and repurposed at some later date.

Mr. Land opened the hearing for public comments.

Ms. Virginia Schmidt Parker, President of the East Greenwich Historic Preservation Society, said she and the society were absolutely thrilled that the Chapman Cottage will finally be moved and spared from demolition. She pointed out the cottage was constructed in c.1870; it is in the historic district and seems like the most intelligent place to move the building.

With no further public comments Mr. Land asked for a motion.

Motion by Mr. Mulhearn to approve the application as presented. Seconded by Ms. Alger.

Mr. Land noted that in order to be granted a dimensional variance, the following must be met:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

Mr. Land felt as though the Applicant has satisfied the standards and met the criteria for granting the variance and is consistent with the staff's recommendation therefore he will be voting in favor of the application.

VOTE: 5 – 0. (Land, Englehart, Mulhearn, Alger and Golden voted in favor.)

(Ms. Cullion returned to the dais.)

2. **David Kenahan** for property owned by Angelo and Christie Cambio and located at 7 Rosewood Court; Map 41 A.P. 15 Lot 285 (Zoned Farming, F-2). The Applicant requires a Dimensional Variance from the allowable maximum height for the construction of a detached garage. Chapter 260 of the Town Code, Zoning Ordinance, Table 2 – Table of Dimensional Regulations by Zone sets forth a maximum height of 15 feet for accessory structures. The Applicant intends to build a new two-car garage with bonus room above and is requesting the garage height to be 26’.

Mr. Land stated for the record alternate Board member Ms. Alger will be participating as a voting member for this application.

Mr. David Kenahan, contractor for Angelo and Christie Cambio, property owners, represented the application. He explained the homeowners would like to construct a garage that will exceed the 15’ height limit.

Mr. Land noted the package the ZBR received from the Applicant includes detailed plans indicating exactly where the proposed garage will be located along with several drawings of the structure that are consistent with the Applicant’s request to build a 26’ height garage with an 11’ variance. He added that detailed plans of the structure have been provided with a notation that the new garage will be within the building envelope and not in any side or rear setback. Furthermore pictures have been submitted by the Applicant to illustrate how the new building will relate to the property.

Mr. Land commented that it appears the proposed garage will be substantially behind the existing residence and the area in which it will be built is surrounded by trees and not open to neighbors. Mr. Kenahan confirmed the project is not open to the neighbors as there is an existing tree buffer. He said the new pool will be essentially be behind the house and there is an existing natural tree line consisting of 20’ oak trees. Mr. Kenahan

asserted there were trees removed for the project but there are still plenty of remaining trees.

Ms. Cullion asked for clarification as to why the roof has to be so tall and asked if it could be slightly shorter. Mr. Kenahan said the plans that were chosen include a bonus room above the garage and the steep pitch roof creates the 26'. He pointed out his client wanted the structure to match the existing house's roof style.

Ms. Englehart asked if the property owners are aware that the second floor of the garage is not to be used for financial gain. Mr. Kenahan confirmed the property owners are aware they cannot rent out the space.

With no further questions from the Board, Mr. Land opened the hearing for public comments.

No public comments.

Mr. Land asked for a motion.

Motion by Ms. Englehart to approve the application as presented. Seconded by Ms. Alger.

Mr. Land noted that in order to be granted a dimensional variance, the following must be met:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

Mr. Land asserted that the Board has consistently approved similar situations where an accessory structure is intended to match/mirror the primary house on the property; therefore under the circumstances he believes the Applicant has satisfied the requirements and will be voting in favor of the application.

VOTE: 5 – 0. . (Land, Englehart, Mulhearn, Alger and Cullion voted in favor.)

3. **Robert Patrick Benito & Kristen Grabrill** for property located at 175 Church Street; Map 84 A.P. 2 Lot 84 (Zoned Residential, R-10). The Applicant requires a Dimensional Variance from Table 2 of Chapter 260 of the Town Code; Zoning Ordinance, Dimensional Regulations by Zone which sets forth the setbacks for the zone. The Applicant is adding onto the home and is requesting to construct a front porch to the existing structure which will not comply with the 30' front setback requirement; the porch will encroach by 7'-8".

Mr. Robert Patrick Benito of 175 Church Street represented the application. He explained his project is multifaceted; he would like to construct a front porch on the existing house which requires front setback relief. The plan also consists of adding a second floor to the existing 1-story home which will keep in character with the neighborhood – this portion of the project does not require zoning relief.

Mr. Land stated detailed plans have been submitted along with existing and proposed renderings. The proposed drawings illustrate a 2-story structure with several peaked gables and an exterior front porch encroaching into the front setback.

Mr. Land said he did not see any reason in the submission to decline the application.

Ms. Hitchen commented the project is quite large yet in reality the only relief needed is for the proposed porch which encroaches by 7'.

Mr. Land said he drove through the neighborhood and saw that there are various sized homes, some small like the subject home and some larger such as the proposed home. The proposed home appears to be consistent with the neighborhood overall and will be a good improvement.

Mr. Land opened the hearing for public comment.

No public comment.

Mr. Land asked for a motion.

Motion by Mr. Mulhearn to approve the application as presented. Seconded by Ms. Alger.

Mr. Land noted that in order to be granted a dimensional variance, the following must be met:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

Mr. Land asserted that the application is consistent with past practice of the ZBR where there is an inconsequential variance request, it will not be out of character of the general surrounding area and appears to be an improvement to the property and neighborhood.

VOTE: 5 – 0. . (Land, Englehart, Mulhearn, Alger and Cullion voted in favor.)

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the June 26, 2018 meeting.

Motion by Ms. Englehart to approve the June 26, 2018 minutes as written. Seconded by Ms. Cullion. Approved 5 – 0.

VOTE: 5 – 0.

Motion to adjourn by Ms. Cullion. Seconded by Ms. Englehart. Approved 5–0.

Zoning Board of Review meeting adjourned at 7:25 pm.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

For more information, please refer to the recording available in the Planning Department.