

ZONING BOARD OF REVIEW MINUTES

Tuesday, August 25, 2020 Meeting 7:00 pm

VIRTUAL – Convened at 7:00 PM via the ZOOM Remote Meeting Platform

Present: Richard Land, Chairman; Christopher Mulhearn, Vice-Chairman; Melody Alger, Ashley Cullion, Jody Sceery (arrived at 7:20 pm), Barry Golden (Alternate) and David Collier (Alternate).

Staff: Lea Anthony Hitchen, Assistant Town Planner, Carole Malaga, stenographer, and Michael Ursillo, Legal Counsel.

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 Business

1. Minutes: Review/action on the following set of minutes:
 - a. April 28, 2020 meeting
 - b. May 26, 2020 meeting
 - c. June 23, 2020 meeting
 - d. July 28, 2020 meeting

Mr. Mulhearn motioned to approve the April 28, 2020 and May 26, 2020 minutes as drafted. Seconded by Ms. Cullion.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Mr. Golden: Yes, Mr. Mulhearn: Yes, Mr. Collier: Yes, Mr. Land: Yes (**VOTE 6 – 0**) to approve the April and May minutes as submitted.

Zoning Board of Review Hearings – 7:00 PM

1. **MOTT & CHACE SOTHEBY'S INTERNATIONAL REALTY** for property owned by **VISTAS DEVELOPMENT CORP. OF EAST GREENWICH BY EDMOND LEIDESDORF** and located at 1404 South County Trail; Map 71 A.P. 10 Lot 26 (Zoned Residential – R-4). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Article VII Signs, Section 27(A) Definition of a Monument Sign. The petition seeks to install a real estate monument sign which will meet size regulations but will not meet the minimum 10' setback from the front property line.

At 7:20 pm neither an Applicant nor representative was present for the hearing. Based upon recommendation from legal counsel the Zoning Board moved forward reviewing the application without the applicant present.

Mr. Land explained the Applicant has submitted an application along with diagrams, photographs and a representation of where the proposed sign will be installed which arrears to be very much to be adjacent to the existing stone wall on the north side of the main entrance.

For the record Mr. Land noted the application as being complete and in order for consideration with the following documents submitted:

1. Description of the relief being sought;
2. Identification of grounds for the variance;
3. Explanation the application satisfies all of the relevant Zoning Board standards;
4. Inclusion of a radius map, including the properties of all abutters within a 200' radius;
5. Topography maps of the property showing boundaries and components of subject property;
6. Aerial photographs illustrating the entranceway and existing stonewall;
7. Photographic image of one-side of the entranceway overlaid with the proposed vertical sign adjacent to the stone wall;
8. Representation of the proposed monument sign which will include the "Mott & Chase/Sotherby's International name along with Subdivision name and phone number contact.

Ms. Hitchen confirmed the Applicant properly notified all of the abutters within the 200' radius and has receipt of the Applicant's affidavit.

Ms. Cullion questioned if the proposed sign can be confined to a real estate sign. Atty. Ursillo explained once the sign is approved the Board is granting the ability to install the sign and does not have the ability to control the sign's content. He added once the sign is there if the tenant changes the sign will still be there for the next tenant.

Mr. Land opined that he did not see this request being any different than a sign with multiple tenants which gets updated as tenants come and go.

Mr. Land opened the hearing for public comments. No public comments for or against the application.

Mr. Land called for a motion.

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

Mr. Land found the application to be a reasonable request based upon the numerous documents submitted. He was of the position the application meets the relevant Zoning Board standards, those being:

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.

Roll Call Vote: Ms. Alger: Yes, Ms. Cullion: Yes, Mr. Golden: Yes, Mr. Mulhearn: Yes, Mr. Land: Yes (**VOTE 5 – 0**) to approve the application as submitted.

Motion to adjourn by Mr. Golden. Seconded by Ms. Alger Approved 7 –0.

Zoning Board of Review meeting adjourned at 7:30 pm.

Immediately following the adjournment Ms. Bettina Monaco of Mott & Chace joined the zoom meeting. Mr. Land explained and announced the decision to her.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

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