



# **East Greenwich Zoning Board of Review**

## **MINUTES Tuesday, May 25, 2021, 7:00 PM Meeting**

### **Virtual Via ZOOM**

**Present:** Richard Land, Chairman, Jody Sceery, Melody Alger, Barry Golden, and David Collier (Voting Alternate)

**Absent:** Christopher Mulhearn, Vice-Chairman

**Staff:** Lea 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 Hearings – 7:00 PM**

1. **Sean O'Leary and Jennifer Cosgrove** for property located at 202 First Avenue; being Map 074 A.P. 004 Lot 083 (Zoned Residential, R-10). The

Applicant seeks Dimensional Variances from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone which sets forth the Front Yard Setbacks and Maximum Lot Coverage. Additionally, the Applicant seeks relief from Article V, Section 260-14(B) Nonconforming by Dimension. The Applicant requests to construct a two-car garage with a deck which will be attached to the existing structure in the southwest front setback which also constitutes as an intensification to the legal nonconforming property.

Mr. Land explained the Applicant, being Sean O’Leary and Jennifer Cosgrove, have requested the application be continued to the next meeting in order to provide the opportunity to review the submitted letters of opposition and provide time to discuss the project with the neighbors. Mr. Land noted a continuance is something the Board allows on a regular basis.

Motion by Mr. Golden to approve the continuance to June 22, 2021. Seconded by Mr. Collier.

Roll Call Vote: Mr. Golden: Yes, Mr. Collier: Yes, Ms. Alger: Yes, Ms. Sceery, and Mr. Land: Yes. VOTE: 5 – 0.

2. **McGeorge Architecture Interiors** for property owned by **Heather Larkin** and located at 90 Sycamore Drive; Map 045 A.P. 011 Lot 018 (Zoned Residential, R-30). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone, specifically from the Side Yard Setback. The petition requests to construct an in-law addition on the south side of the existing structure which will not conform to the side setback requirement; a maximum of 19.6’ of relief is required.

Mr. Matthew McGeorge of McGeorge Architecture Interiors, represented the applicant, being Heather Larkin. Mr. McGeorge explained Ms. Larkin approached him to design an in-law unit after her father recently passed away for her mother. He has designed an approximately 850 square foot 1-story addition with a 123 s.f. front porch to the south side of the existing single-family Garrison style home in order to accommodate an in-law residence. The side setback requirement in an R-30 zone is 30’; the existing subject home sits 44.7’ from the south property line. The proposed addition will extend between 11’-19.6’ into the south side and sit between 19’ to 10.4’ from the side property line once constructed. Mr. McGeorge finds the addition is keeping within the scale and massing of the subject residence as well as with the

surrounding neighborhood. He also pointed out there were some minor challenges regarding the topography which have been dealt with in terms of landscaping buffering and attempts were made to make it as best of a project as possible.

Ms. Heather Larkin explained she has spoken to the neighbors, particularly to the abutter to the south who would be most affected by the addition, to which she received no objections.

Mr. Land pointed out the Zoning Board had previously granted special use permits for in-law apartments prior to legislation amendments which now allows these units by right; in this particular situation it is the dimensional variance that is the issue. He added the large easement with existing landscaping in between the abutting neighbors made any impact inconsequential.

Mr. Land found the application did meet the following standards:

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 pointed out the intent of an in-law addition is for the overall appearance of the structure to remain that of a single-family residence; he found that the proposed design provides to maintain that of a single-family residence. Additionally, the in-law apartment is not meant for financial gain (meaning it cannot be rented out) once a family member no longer resides on the property. The Building/Zoning Official shall require that a declaration of the in-law unit be recorded in Land Evidence.

Motion by Ms. Sceery to approve the submitted application. Seconded by Mr. Golden.

Roll Call Vote: Mr. Golden: Yes, Mr. Collier: Yes, Ms. Alger: Yes, Ms. Sceery, and Mr. Land: Yes. VOTE: 5 – 0.

3. **Hill & Harbor Design + Build** for property owned by **Chester B. Salomon and Arlene Lidsky Salomon** and located at 27 Rector Street; Map 085 A.P. 001 Lot 275 (Zoned Residential, R-10). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone, specifically from the Side Yard Setback. Additionally, the Applicant seeks relief from Article V, Section 260-14(B) Nonconforming by Dimension; the front of the existing structure is situated in the 30 foot front yard setback. The Applicant requests to construct a 22’x24’ garage which will be attached to the existing structure and will not conform to the north side setback; a maximum of 7.6’ of relief is required.

Mr. Paul Vespia of Hill & Harbor Design + Build was on hand representing the applicant, Chester Salomon and Arlene Lidsky Salomon. Mr. Vespia explained he is making several modifications to the c.1915 American Foursquare 2 ½ story residence. On March 25, 2021, Mr. Vespia presented a conceptual plan to the HDC for the proposed addition and received conceptual approval of the design and he is now requesting the necessary variances.

Mr. Vespia stated the intent is to demolish the existing left side sunroom to make way for a 20’x20’ first floor master suite. This portion of the project does not require any dimensional relief and will sit within the building envelope. Additionally, the request is to add a 22’x24’ attached two-vehicle garage on the right (north) side of the home. The R-10 zoning district requires a 15’ side setback; the new garage will sit 7.4’ from the north side setback, requiring 7.6’ of relief. Additionally, the edge of the front porch sits 19’ from the front property line where 30 feet is required. Therefore, relief to allow an enlargement of a nonconforming structure becomes necessary.

Mr. Land commented the Applicant has submitted a comprehensive application, Class I survey.

Mr. Vespia asserted there will be extensive landscaping planted along the common lot line between the subject property line and Lot 418 – taller evergreens to buffer the neighbor.

Mr. Land opened the hearing for public comment.

Mr. Richard Fuka of 34 Brayton Street spoke in favor of the application, noting the level of effort and great design of the project.

Mr. Seth O'Donnell pointed out the HDC conceptual plan noted the garage goes up to the property line yet the plan before the Zoning Board shows otherwise; he asked for clarification. Mr. Vespia explained the difference between the HDC application and Zoning application was the HDC app was a hand sketch over GIS which was a screen shot from the Town's GIS database. The Zoning application includes a Class I survey performed by a licensed engineer that is exact.

Mr. O' Donnell was of the opinion that if the garage addition was narrower the applicant could still accommodate a 2-vehicle parking area and not require a zoning setback variance.

Mr. O'Donnell's final comment was in regards to assurances he was going to receive that his property line would not be violated, damaged, receive debris on, etc. during construction. Mr. Vespia asserted that during construction and excavation a silt fence will be installed to keep runoff from going on the property as well as to keep debris off of the O'Donnell property.

Mr. Robert Berlyn spoke in support of the application.

With no further questions from the public or Board members Mr. Land asked for a motion.

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

Mr. Land said he appreciated Mr. Vespia's comments and answers to Mr. O'Donnell's concerns.

Mr. Land found the application did meet the following standards:

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: Mr. Golden: Yes, Mr. Collier: Yes, Ms. Alger: Yes, Ms. Sceery, and Mr. Land: Yes. VOTE: 5 – 0.

4. **Hill & Harbor Design + Build** for property owned by **Doug and Sherri Tracey** and located at 52 Mawney Street; Map 075 A.P. 002 Lot 178 (Zoned Residential, R-10). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Section 260-8(F) pertaining to the siting of accessory structures. Additionally, the Applicant seeks relief from Article V, Nonconforming Development, Section 260-14(B) Nonconforming by Dimension. The petition requests to rehabilitate and modify the existing legal nonconforming accessory structure by adding two (2) 12'x22' additions on both sides and converting it into a four (4) vehicle garage with storage space on the second level; this constitutes as an intensification to the legal nonconforming structure.

Mr. Paul Vespia of Hill & Harbor Design + Build was on hand to represent the application. Also present was the property owner, being Doug Tracey. Mr. Vespia explained the proposal, noting the poor conditions of the existing garage and inability of the property owners to use it. The proposal includes improvements to the existing 20'x26' detached barn/garage which currently sits between 3.7'-3.9' from the rear property line where a five foot setback to the rear property line is required for accessory structures. Mr. Vespia stated work includes two 12'x22' additions on either side of the existing barn. The proposed structure will become a 4-vehicle garage with an unfinished storage area above. The overall project includes siding and roofing to be replaced in kind as well as installing new windows on the second level. He added the HDC has provided conceptual approval to the project.

With no comments from the Board or the public Mr. Land asked for a motion.

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

Mr. Land commented the submission was extremely comprehensive with plans, renderings and is a significant improvement to the existing conditions. As the staff report points out there are no adverse impacts to the surrounding area and he has no objections to the application.

Mr. Land found the application did meet the following standards:

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: Mr. Golden: Yes, Mr. Collier: Yes, Ms. Alger: Yes, Ms. Sceery, and Mr. Land: Yes. VOTE: 5 – 0.

5. **Joseph D. Trillo** for property owned by **The Joseph D. Trillo Living Trust c/o Joseph D. Trillo, Trustee** and located at 75 Bailey Boulevard; Map 008 A.P. 019 Lot 317 (Zoned Farming, F-2). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone, specifically from the Side Yard Setback. The petition requests to construct a 36'x24'-4" attached garage on the north side of the existing structure which will not conform to the side setback requirement; a maximum of 10' of relief is required.

Mr. Joseph Trillo, property owner, represented the application on his own behalf. Mr. Trillo explained that he is requesting to expand the north side of the existing home by constructing a 36'x24'-4" attached 2-bay garage which will begin at the end of the existing driveway. The intended use of the garage addition will be for vehicle and lawn furniture/equipment storage and other household item storage. The existing landscaping will be reconfigured to accommodate the new garage. Mr. Trillo pointed out the addition will comply with the maximum allowed height of 35' and will have no effect on the front or rear setback requirements. The required side setback for this parcel is 30'; the existing home sits 44.6' from the north side property line. The new addition will be at most 20.5' from the north side property line, therefore requiring 9.5' of relief.

Mr. Land commented that Mr. Trillo submitted a comprehensive application that includes a Class I land survey, architecture plans of the garage, and a narrative as to why the application satisfies the standards.

Mr. Robert Campbell spoke in objection to the application, pointing out the applicant already has a three-vehicle garage; he saw the request as financial gain. He found the request as not necessary.

Mr. Golden suggested an extensive amount of plantings along the property shared property line.

Due to the objection by Mr. Campbell Zoning Board members had suggested to continue the hearing in order for the applicant and objector to potentially compromise a solution in the meantime.

Mr. Trillo preferred for a vote to be taken.

With no further questions or comments from the Board or public Mr. Land asked for a motion.

Mr. Golden motioned to approve the application as presented but with the condition there be a line of arborvitae buffering to be planted at least 7'-8' in height on Mr. Trillo's side of the border when planted along the garage side of the property (to substantially block the view from the neighbor). Seconded by Mr. Collier.

Mr. Land found this particular application to not be problematic or out of character but a fairly typical application. He found the application a good faith request for the personal enjoyment for the Applicant and not for financial gain.

Mr. Land found the application did meet the following standards:

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: Mr. Golden: Yes, Mr. Collier: Yes, Ms. Alger: Yes, Ms. Sceery, and Mr. Land: Yes. VOTE: 5 – 0.

6. **David and Gioia Bergmann** for property located at 55 Cardinal Lane; Map 027 A.P. 015 Lot 107 (Zoned Farming, F-1). The Applicant seeks a Dimensional Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 – Dimensional Regulations by Zone, specifically from the Side Yard Setback. The petition requests to construct a third garage bay onto the north side of the existing structure which will not comply with the 30-foot side setback requirement; a maximum of 10.32' of relief is required.

Mr. David Bergmann and Ms. Gioia Bergmann were on hand as property owners representing their application. Mr. Bergmann explained he is in the process of renovating a portion of the interior home while also adding onto both sides of the structure. Modifications include adding a 20'x20' sunroom to the south side of the house as well as extending the rear of the structure out to accommodate a kitchen addition, laundry room and office space which will be within the building envelope. Mr. Bergmann explained he would like to add a third 12'x22' bay garage to the north side of the structure which will extend into the 30-foot side setback requirement. The garage addition will sit at most 19.68' from the north property line, therefore requiring 10.32' of relief.

Ms. Alger pointed out it is essentially the back corner of where the new garage will be located where the majority of the relief is required.

Mr. Land acknowledged the Applicant has submitted a comprehensive application that includes a Class I survey, designs and details as to how the petition meets the standards.

With no comments from the public in favor or against the application Mr. Land asked for a motion.

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

Mr. Land found the application did meet the following standards:

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: Mr. Golden: Yes, Mr. Collier: Yes, Ms. Alger: Yes, Ms. Sceery, and Mr. Land: Yes. VOTE: 5 – 0.

### **Zoning Board of Review Business**

1. Minutes: Review/action on the following sets of minutes:

- April 27, 2021 meeting

On a motion by Ms. Sceery, seconded by Mr. Golden the April 27, 2021 minutes were approved on a 5-0 vote.

Motion by Ms. Sceery, second by Mr. Golden, at 8:42 PM to adjourn. The motion was unanimously supported.

Minutes respectfully submitted by Lea Hitchen, Assistant Town Planner. Please contact the Planning Department for further information.