



Zoning Board of Adjustment Meeting  
Monday, June 1, 2015, 7:00 PM  
City Hall Council Chambers

**MINUTES**  
**Approved 9/8/2015**

Mr. Russel called the meeting to order at 7:01 PM.

**I. Roll Call**

**Present:** Richard Collins, David Nichols, Todd Russel, Carolyn Towle, Amy Richardson

**Absent:** Michael Hurd, Daniel Worcester

**City Staff:** Michael McCrory

Mr. Russel stated that since the board was without a vice-chair, he would step in to chair the meeting. All were in agreement.

**II. Elect new vice-chairperson**

The board tabled this until all of the members could be present.

**Motion:** To postpone electing a new vice-chair person until the August 2015 meeting.

**Made by:** Mr. Russel      **Second:** Mrs. Towle      **Vote:** Unanimous in favor

Mr. Russel appointed Ms. Richardson to sit in for Mr. Hurd and Mrs. Towle to sit in for the vacant seat.

**III. Review Public Meeting Minutes from May 4, 2015**

**Motion:** To accept the minutes of May 4<sup>th</sup>.

**Made by:** Mr. Russel      **Second:** Ms. Richardson      **Vote:** Unanimous in favor

**IV. Old Business**

- o **(ZO 2015-00006) Phillip & Cynthia Howard, 33-35 Chapel Grove Place** – seek a variance from Section 22-206 of the City Zoning Ordinance for operation of a commercial garage at **33-35 Chapel Grove Place**. Tax Map: 128, Lot: 9. Zoning District: R1 **(Continued from May 4, 2015)**

Mr. McCrory stated that he had taken some notes at the site visit on May 29<sup>th</sup>. He distributed a packet to the board that included a summary of previous complaints about the subject property (2006-2014), as well as other memos and pieces of correspondence. The board took some time to review the information and discuss it with Mr. McCrory.

Mr. and Mrs. Howard were asked to address the board. Surveyor Thomas Dombroski offered the board a site plan he had drawn of the Howard's property which the board accepted. It was the same plan that the board had seen on their site visit.

The board discussed the state of the property and the history of complaints with the Howards. The Howards continued to assert that they were told at the time the original permit was issued for the garage, that nothing further was necessary. Mr. McCrory provided the original permit for the Board to view.

In response to questions from the Board, Mr. Howard stated that he intended to continue using the garage for auto repairs with occasional painting as needed. He does not plan to have any employees. He said he collects and stores wood (of various types including pallets) in the area behind the garage to cut up later. Various vehicles on the property will be salvaged for parts and removed from the property, but no new ones would be added to the collection. The painting truck “will be gone”. The white van will be taken out “in a few weeks”. The long trailer will “eventually be gone”.

It was stated that River Road is a state road.

There were no further questions from the Board. The public hearing was closed.

Findings by the Board:

1. There is concern that the building has been taxed as a commercial building for 20+ years.
2. It appears from the records provided that Mr. Howard has tried to address issues as they arise.
3. A former building inspector had apologized to the Howards for “addressing errors” in an earlier letter.
4. The Howards had submitted a collection of letters in support of their application (not all of whom were abutters).
5. Only one abutter spoke against the proposal.
6. The Howards had made an effort to make the property look nice for the site visit by the Board.
7. The Howard property is very close to the adjacent commercial zoning district.
8. It would be a hardship to the Howards if they were made to revert the property back to a residential property after 20+ years of operating a business from it.
9. Businesses are not neat all of the time – sometimes they get messy.
10. This is not a big business.

**Motion:** To grant a variance from section 22-206, Permitted Uses in the R1 Zoning District, to operate a commercial auto repair on an existing property at 39 River Road. The variance will address an existing issue for this property where a commercial garage was constructed in 1995 and taxed as a commercial building since then. This use is on the same property as two existing residences with access to Chapel Grove Place. The variance is approved subject to the following conditions:

1. The use described in the application would be allowed on the property as a legal, nonconforming use.
2. The variance would allow the proposed use on an existing residential property; effectively permitting both uses to co-exist on the property.

3. The proposed use will go with the land and be transferable between property owners unless the use is abandoned for twelve (12) consecutive months.

**Made by:** Mr. Russel      **Second:** Mrs. Towle

The Board addressed the variance criteria based upon the findings above. It was the consensus of the Board that the application met all of the criteria for a variance.

**Vote:** Unanimous in favor.

## V. New Business

- o **(ZO 2015-00008) Fred & Janet Patridge, 26 Woonsocket Ave** – seek a variance from Section 22-209 of the City Zoning Ordinance to construct a 6 ft x 28 ft deck with roof at **26 Woonsocket Ave.** Tax Map: 118, Lot: 13. Zoning District: R1

Mr. McCrory read the abutters roll. No abutters were present.

Mr. McCrory gave a general overview of the application. He said the residences tend to be close to the road in this section of the City. He said much of the Patridge house is within the 25-ft. setback that's required in the R1 district. Putting a porch on the house further encroaches into the setback. The exact location of the property boundary is not known. Based on available information, the line is approximately 17 feet from the closest corner of the building. It is Mr. McCrory's opinion that the 6-ft wide porch will not encroach into the road right-of-way. (Woonsocket has a 40-ft wide right-of-way and a 24-ft wide paved surface.) The distance from the porch to the property line would be (approximately) 30 feet and 16 feet.

Mr. Patridge addressed the Board. He said he wants the porch to keep the water away from his house foundation.

The Board had no further questions. The public hearing was closed.

**Motion:** To grant a variance from section 22-209, Yard Requirements in the Residential One Zoning District, to permit construction of a deck within 25 feet of the adjacent right-of-way. As illustrated in the property sketch provided as part of this application, the proposed deck will encroach upon setback to Woonsocket Avenue, a low volume local road with the following conditions:

1. The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments.
2. This variance shall be recorded in the chain of title.

**Made by:** Mr. Russel      **Second:** Ms. Richardson

The Board addressed the variance criteria. The consensus was that the application met the criteria.

**Vote:** Unanimous in favor

**VI. Correspondence**

**VII. Other**

**VIII. Adjournment**

**Motion:** To adjourn the meeting.

**Made by:** Mrs. Towle

**Second:** Ms. Richardson

**Vote:** Unanimous in favor

Respectfully submitted,  
*deForest Bearse*