

**TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MODIFICATION OF PREVIOUSLY GRANTED USE VARIANCE**

APPLICANT: 1631 Fish Road LLC
PROPERTY OWNER: Same as applicant
PROPERTY: 1631 Fish Road
PLAT MAP 311 LOT: 70
PRESENT ZONING: R-40
PRESENT USE: Commercial

RELIEF REQUESTED:

The applicant seeks a modification of a Use Variance previously granted by the Tiverton Zoning Board of Review on September 5, 2018, and recorded on February 12, 2019. The applicant seeks a structural modification of the roof and roof line to conform with an engineering rendition that was different than that which was originally proposed and approved by the Tiverton Zoning Board in granting the original Use Variance. All other aspects of the original proposal remained the same as set forth in the prior approval.

In support of the request, the applicant submitted a completed Tiverton Zoning Board Application, which included a Proposed Conditions Plan dated 1/16/2019, Limited Content Boundary Survey, and the previously submitted Architecture Interior Design. Also submitted was a letter from the Tiverton Building Official dated 12/23/2019 in which he opines the need for further relief from the Board based on the change of the elevation of the architecture as seen from Fish Road as originally proposed.

The Zoning Board received comments concerning the request at a legally noticed hearing held on February 5, 2020 at 7 p.m.

Zoning Board members present: Vice Chair David Collins, Jackson, Taylor-Humphrey, Alzaibak, and 1st Alternate Hilton.

The following individuals spoke as representatives of the applicant:

The applicant, through counsel, appeared before the Board and testified that a structural engineer determined that the better engineering practice is to modify the previously approved roof elevations to tie in the approved addition to create a single roof line.

The proposed modification does not increase the footprint of the building or the amount of impervious surfaces.

Based on the testimony and the submission, the Board voted to allow the modification of its previously recorded decision in support of a Use Variance that was originally heard on 9/18/2018, and subsequently recorded on 2/12/2019.

Motion to Approve the modification request of the previously granted USE VARIANCE made by Mr. Collins and seconded by Mr. Alzaibak.

The following members voted in favor of the relief requested: Collins, Jackson, Taylor-Humphrey, Alzaibak, and Hilton. None opposed.

The official minutes of the meeting of February 5, 2020 are also incorporated by reference into this decision of the Tiverton Zoning Board, along with the originally decision of the Tiverton Zoning Board granting the initial USE VARIANCE.

Decision Approved and Accepted this 28th of February, 2020.


Mr. Collins, Vice-Chair

CERTIFICATION

I, Julie Brown, certify that I sent a true copy of the within decision, by regular mail, postage prepaid, to the applicant on the 2nd of March 2020.



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