

**TOWN OF TIVERTON  
ZONING BOARD OF REVIEW  
SPECIAL USE PERMIT**

APPLICANT: BLF Properties, LLC  
 PROPERTY OWNER: BLF Properties, LLC  
 PROPERTY: 3838 Main Road  
 PLAT MAP: 706 LOT: 106  
 PRESENT ZONING: VC (Village Commercial)  
 PRESENT USE: Commercial store front

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**RELIEF REQUESTED:**

The applicant proposes to build an addition to the current structure located on the subject lot, currently used as a commercial enterprise known as the "Cheese Wheel," to add an additional, attached, structure to be used for residential purposes. The applicant seeks a Special Use Permit pursuant to Article XVI *et seq* of the Tiverton Zoning Code.

In support of the request, the applicant submitted a completed Tiverton Zoning Board Application, which included architectural renderings along with an elevation and floor plan of the proposed addition.

The Zoning Board received comments concerning the request at a legally noticed hearing held on September 2, 2020 at 7 p.m.

Zoning Board members present: Chairperson Lise Gescheidt ("Gescheidt"), Vice Chair David Collins ("Collins"), John R. Jackson ("Jackson"), Wendy Taylor-Humphrey ("Taylor-Humphrey"), George Alzaibak ("Alzaibak"), 1<sup>st</sup> Alternate Jennifer Hilton ("Hilton") and 2<sup>nd</sup> alternate Joel Bishop ("Bishop").

The following individuals spoke as representatives of the applicant:

The applicant, with legal counsel, appeared before this board, along with Tom Principe (engineer), Melissa Hutchinson (architect) of MH Architect, LLC and James Houle, an expert in Real Estate Appraisal and Land Use. The applicant testified that she intended to make the addition a home for herself and her family while also continuing to run the Cheese Wheel. The applicant testified that her current and foreseeable intent for the residential addition would be for herself and her family to reside in. When asked about her intentions with potential future tenants or purchasers, the applicant, naturally, could not guarantee that she would never sell but did assure the board that any tenant that she rented the residential portion to would be carefully selected given the fact that her business is conducted out of the same structure. One issue the Board considered favorably was the applicant's testimony that a residence in the area would keep the area and surrounding business safer and be a deterrent to crime and theft.

Melissa Hutchinson ("Hutchinson") testified in her capacity as the architect for the proposed addition. She indicated that the addition would be a mere 865 sq. ft, would add aesthetic value to the structure and would ultimately be the same height as the current structure. The Board agreed with this testimony and it was noted that the size of the addition is not big enough to fully encourage boisterous parties or conduct.

James Houle ("Houle") was offered to the Board as an expert in Real Estate Appraisal and Land Use. This Board noted that he has been qualified as an expert before this Board before and likewise, he was qualified for this hearing. Houle testified that he checked all the particular zoning requirements that were pertinent to the proposed addition and was confident that any and all zoning ordinances and/or requirements, including relevant setbacks and height requirements, would be met with this addition, except for the need for this Special Use Permit. Houle touched

1. There would be no public inconvenience and that the general welfare of the public would actually be served and enhanced;
2. There are no health, safety, morals of welfare concerns;
3. The proposed use is in conformance with neighboring uses and actually referenced a particular neighboring property, 3842 Main Road, with the exact same use currently;
4. There will be no nuisance or hinderance to vehicular or pedestrian movement. Houle highlighted that there would likely be 2 cars added to the area for the residents and that it would not bring any burdensome uptick in traffic;
5. The proposed addition has already been inspected and checked by necessary professionals to ensure adequate water and sanitary disposal measures could be put in place; and
6. The proposed addition is in conformance with the Comprehensive Plan. Houle explained that currently, the property is a "garage barn" in the historic Four Corners area of Tiverton. The additional will enhance the structure and the surrounding properties.

Next, Tom Principe ("Principe") testified regarding sewage and drainage to and from the Property. Principe confirmed that the sewage disposal system meets the needs of the proposed expansion. Further, Principe acknowledge that both Steere Engineering and the RI DEM inspected and confirmed that drainage would not be an issue.

Lastly, Gayle Lawrence ("Lawrence"), a representative of the Tiverton Public Library, provided comment on its behalf. Lawrence's testimony was greatly in favor of the addition and testified to the good nature of the Applicant and her business. Lawrence also confirmed that having a residence in the current structure would add as a deterrent to crime in the area.

**Based on the following evidence which is part of the record, the Board finds:**

**The public convenience and welfare will be served by the granting of the relief sought.**

The Board agrees with the testimony provided by Houle and Hutchinson that the proposed residential addition will enhance the neighborhood aesthetically and with added safety.

**It will not be detrimental to the public health, safety, morals, or welfare.**

This Board finds no detriment to the public health, safety, morals or welfare. In fact, as noted above, the proposed residential addition adds safety.

**It will be compatible with neighboring uses and will not effect the general character of the neighborhood.**

This Board agrees that the proposed use is compatible with neighboring uses and in fact, aligns with a current mixed-use property nearby as mentioned by Houle.

**It will not create a nuisance in the neighborhood or endanger vehicular or pedestrian traffic.**

No nuisance issue is found. Further, since the proposed residential use is small, there will not be a large influx in vehicular traffic.

**It will have adequate provisions for water and sewage disposal.**

This Board credits Principe's testimony that adequate water will be provided and that there will be no issue with drainage.

**It will be compatible with the Comprehensive Community Plan of the Town of Tiverton.**

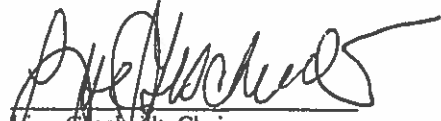
This Board finds that the proposed residential use is compatible with the Comprehensive Plan and that it will actually enhance the Four Corners area.

Based on the findings of fact as stated above, the entire record submitted, and applying those facts to the legal standards necessary for a SPECIAL USE PERMIT, a motion was made to GRANT the Applicant's request by Vice-Chair Collins, seconded by Chair Gescheidt.

A roll call was taken and the following members voted AYE TO APPROVE the relief sought: Collins, Gescheidt, Jackson, and Alzaibak. Taylor-Humphrey was the sole NAY vote. Taylor-Humphrey indicated that she was concerned of a potential "slippery slope" in granting this SUP; she sees the Four Corners area as primarily commercial and foresees more applicants seeking residential SUP's in the future if this request is granted. Taylor-Humphrey also voiced concerns that the potential for future residential tenancies established in the area could diminish the area's look and feel.

The official minutes of the meeting of September 2, 2020 are also incorporated by reference into this decision of the Tiverton Zoning Board.

Decision Approved and Accepted this 14<sup>th</sup> of September, 2020.

  
Vice Gescheidt, Chair  
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Tiverton, R.I.  
NANCY L. MELLO TOWN CLERK  
Sep 17, 2020 09:51A