

TOWN OF TIVERTON
ZONING BOARD OF REVIEW

DECISION FOR DIMENSIONAL VARIANCE

RE: Application of Eloise A. Kent

Property Owner: Eloise A. Kent

Property Address: 765 Stafford Road

For property located at Assessor's Plat 210 Lot 101 in Tiverton, Rhode Island in the following zoning district: R60

This matter was heard before the Board at a public hearing on March 4, 2015 upon Applicant's request for a Dimensional Variance under the Tiverton Zoning Ordinance to allow a Rural Compound on two lots with less than required lot frontage on a public road.

Attorney Kenneth Tremblay presented for the applicant. He explained that the applicant was seeking to create a rural compound two-lot subdivision. He explained that rural compound could not be subdivided any further and that this would be so noted in the land evidence record. He explained that he had received a positive letter of recommendation from the Tiverton Planning Board. Mr. Tremblay also stated that a restriction would be placed on the property to prohibit any others from using the driveway of the subdivision other than the owners of the rural compound. Mr. Tremblay also stated that the applicant agreed to widen the beginning portion of the driveway on the property to address the concerns of the Tiverton Fire Chief regarding turnaround of emergency vehicles on the property.

Ms. Kent testified that this property had been used as a summer cottage since the 1930s and that she would like to put a small two-bedroom house on the property. She stated that she wanted to build the house without tearing down the existing cottage and so needed relief.

Engineer Todd Chaplin testified that the proposed development complied with the rural subdivision requirements in every way, except that it did not have forty (40) feet of frontage. Mr. Chaplin testified that there would be no infringement or impact on surrounding wetlands and that the septic system has already been approved by RI DEM.

Real Estate Appraiser Keith Roberts testified that the development was consistent with the Comprehensive Plan and that it would not hurt property value of surrounding properties

There was no public comment.

It was moved by Mr. Collins to approve the application of Eloise Kent, owner and applicant, 765 Stafford Rd., Plat Map 210, Lot 101, request for dimensional relief. The approval will be conditioned on (a) a restriction on further subdividing the property being placed in the land evidence record, and (b) a restriction be placed in the land evidence record that this is private right-of-way, and that the driveways be clearly marked for emergency vehicles- with a wide enough turn around for emergency vehicles. The Board makes the following findings of fact:

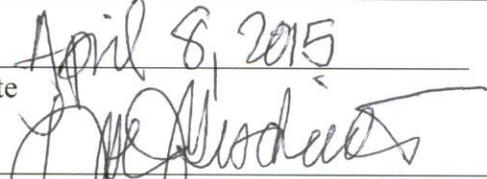
- I. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure, and not due to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant. There is an existing cottage on the land and placing a small home on the land is necessary to meet the needs of the applicant. Creating a rural compound is the only viable way to achieve this reasonable goal on this land;

- II. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The applicant is seeking to meet her residential living needs while taking into account the existing cottage that has been present on the property since the 1930s;
- III. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this zoning ordinance or the Comprehensive Plan. The board relied on the expert testimony of Real Estate Appraiser Keith Roberts in this regard;
- IV. That the relief to be granted is the least relief necessary. No more relief is granted than is needed to allow the applicant reasonable space for her family while maintaining the existing cottage; and
- V. The hardship, i.e. the need for more space for her family, amounts to more than a mere inconvenience because the space is reasonably necessary for her quality of life.

This was seconded by Mr. Taylor. All in favor to approve this application.

Voting to Approve: Ms. Gescheidt
Mr. Collins
Mr. Jackson
Mr. Taylor
Ms. Humphrey

Voting to Deny: None

April 8, 2015
Date

L. Gescheidt, Chairwoman