

**TOWN OF TIVERTON
ZONING BOARD OF REVIEW**

APPLICATION OF: MARK AND PATRICIA DEPIERO

FOR PROPERTY LOCATED AT: 292 HIGH HILL ROAD
AP 806, LOT 164 ZONE R 80

Zoning Board Hearing: March 2, 2016

DECISION

This matter came before the Town of Tiverton Zoning Board of Review (hereinafter referred to as the “Board”) on March 2, 2016 on the application of Mark and Patricia DePiero (hereinafter referred to as the “Applicants”) for a special use permit to raze an existing dwelling and construct a new dwelling with balcony closer to the front, side and rear yard setbacks.

The Applicants appeared before the Board with their engineer, Tom Principe. Mr. Principe described the project in that the Applicants wish to raze the current dwelling and construct a new dwelling. He stated that the current dwelling is in disrepair and sits on a concrete block foundation, the current septic system is a cesspool, and they wish to open up the interior layout of the home.

Mr. Principe further states that the footprint of the house is approximately 815.5 square feet which also includes the current 107 square foot deck. The Applicants wish to rebuild their new home on this footprint which will increase the existing lot coverage by 3%. The current percentage is 34% and therefore, this will increase to 37% and will be at 902.8 square feet. The new home will have a second floor where there will be two bedrooms and a bathroom. The first floor will have a kitchen, bathroom and one living area.

The property currently has a 1.4-foot front yard setback which will increase to 1.6 foot; side yard setback is 2.9 feet and will increase to 3.0 feet; rear yard setback is 5.5 feet and will not change at all. The current height of the existing dwelling is 14-15 feet high, and it will be increasing the height to no higher than 25 feet to meet the zoning ordinance and the new foundation will only be constructed for a crawl-space basement.

The septic system will be a bottomless sand filter built specifically for this property in a triangular-style layout. It is designed with a pre-treatment tank and a pump chamber that will pump effluent after it is treated up into the northwest corner which is the further away from the neighboring wells. DEM has already approved this design approximately four to six weeks ago. There is an existing well located off of the southeast corner of the property.

Tracey Hall, a licensed realtor from Keller-Williams, was sworn in. Ms. Hall testified that she has visited the property and the neighborhood, and she stated that, in her opinion, this will be an improvement to the neighborhood and will also increase the value of the neighboring properties.

Mr. Collins had questions regarding the need for the 3% expansion. Mrs. DePiero explained that the current layout of the inside of the house does not flow, and that the new house will have a better design for the kitchen and living room of the home, and it will better accommodate her children and future grandchildren.

The Acting Chair asked if anyone present wished to speak either for or against the application. No one spoke for or against.

Motion by Member Alzaibak, seconded by Member Jackson, to approve the application for a special use permit to raze an existing dwelling and construct a new dwelling with balcony closer to the front, side and rear yard setbacks. The motion was based upon the following findings of fact:

(1) The public convenience and welfare will be served because there is an old cesspool that will be removed and replaced with a state-of-the-art septic system.

(2) Again, because of the new septic system, it will not be detrimental to the public health, safety, morals and welfare.

(3) The granting of the application will be compatible with neighboring uses and will not adversely affect the general character of the surrounding property, as a structure could not be built on this property without giving the relief, and it is only increasing by 3% which is very minimal.

(4) It will not create a nuisance in the neighborhood, nor hinder or endanger vehicular or pedestrian movement.

(5) It has adequate provisions for water, sewer, and fire is not applicable to this application.

(6) The residential use of the property is not affected by the granting of the application, so it is compatible with the comprehensive community plan of the Town of Tiverton.

Granting of this Special Use shall be conditional upon the following:

(1) That there will be no additional porches or decks added to this property.

(2) That the height of the dwelling does not exceed 25 feet as per the Zoning Ordinance.

(3) That the proposed balcony will not exceed any of the setbacks as stated above.

(4) That the footprint plans submitted will comply with all setbacks as stated above.

All in favor to approve this application.

Voting to Approve: Ms. Gescheidt

Mr. Collins

Mr. Jackson

Mr. Taylor

Ms. Humphrey

Mr. Alzaibak

Voting to Deny: None

Date

Lise Gescheidt, Chairwoman