

**TOWN OF TIVERTON
ZONING BOARD OF REVIEW**

APPLICATION OF: VINCENT AND REBECCA MAJEWSKI

FOR PROPERTY LOCATED AT: 528 NANAQUAKET ROAD
AP 403, LOT 167, ZONE R-80

Zoning Board Hearing: May 4, 2016

DECISION

This matter came before the Town of Tiverton Zoning Board of Review (hereinafter referred to as the "Board") on May 4, 2016 on the application of Vincent and Rebecca Majewski (hereinafter referred to as the "Applicants") for a special use permit to raze an existing single-family dwelling and construct a new single-family dwelling on existing footprint/foundation, adding new floor area where existing wood deck and patio were.

Attorney John Pagliarini, Jr. appeared before the Board representing the Applicants, along with the Applicants. Mr. Pagliarini stated as follows: The Majewskis originally intended to do an addition to their dwelling and then decided that they would simply re-build with a brand new dwelling on the existing footprint within a one-foot tolerance of where it currently stands now. Due to their house being on a substandard lot, they needed to come before the Board for a special use variance in order to do so.

Mr. Majewski testified that they began demolition on the property and the building inspector came out and requested they get a survey done on the property and told him he had to go before the Zoning Board for a special use permit. He stated he did so and now has a building permit dated February 4th or 5th. He couldn't remember which date. They began their excavation and had the footings poured and that is when the conversation came up that they had to come before this Board to get a special use permit.

The Board had some questions about the neighborhood and if this dwelling will be similar to the existing houses and the Majewskis answered yes it is.

Mr. Majewski stated that the original plan was they were going to have an addition to the existing house. Once they began actually looking at the house and noticing rotting wood and the like they decided it would be better off to raze the existing house and build brand new according to their new plans (which the Board has copies of.) The only relief needed will be the two side yard setbacks. They will meet the height requirement. The water supply will be from an existing well that is in the front of the property.

Mr. Hall stated that he has requested that the Majewskis present him with an as-built due to the nature of the closeness of the lot dimensions. Mr. Majewski agreed to provide that to Mr. Hall.

The Board asked how many bedrooms will the home have, and the Majewskis replied that it is three bedrooms, two will be used as bedrooms and one will be used as a den. Their septic system is a three-bedroom septic system.

Motion by Member Collins, seconded by Member Alzaibak, to approve the application for a special use permit to raze an existing single-family dwelling and construct a new single-family dwelling on existing footprint/foundation, adding new floor area where existing wood deck and patio were. The motion was based upon the following findings of fact:

1. The public convenience and welfare will be served by allowing the applicant to have a better home, with an up to date septic system that is better for the environment;
2. The application will not be detrimental to the public health, safety, morals or welfare as there has been no evidence that any such harm will result, as the use will be a reasonable residential use for the area;
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 evidence was presented and the zoning board has special knowledge that there are many residences of this size and scope on nonconforming lots, like the applicants, in this area;
4. The application will not create a nuisance in the neighborhood nor hinder or endanger vehicular or pedestrian movement, as this is a reasonable residential use, the size and

placing of which is common for the area and the septic systems are adequate to support the project.

5. The development will have adequate provision made for water service, sanitary sewage disposal and fire protection, as evidence was presented of adequate water service already to the lot, a sufficient and newer septic system will be installed, and the Town will provide fire protection services to this home—and there is no hindrance to public safety or fire prevention services presented by 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 the front porch be constructed as a flat stone front porch and not be raised, as pictured on their plan they presented to the Board.

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Tiverton, R.I.
NANCY L. MELLO TOWN CLERK
Jul 15, 2016 08:55A

All in favor to approve this application.

Voting to Approve: Ms. Gescheidt

Mr. Collins

Mr. Jackson

Mr. Taylor

Ms. Humphrey

Mr. Alzaiback

Voting to Deny: None

Lise Gescheidt

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by proxy

July 14 2016

Date