

TOWN OF TIVERTON
ZONING BOARD OF REVIEW

DECISION FOR SPECIAL USE PERMIT

RE: Application of Jennifer Miguel

Property Owner: Jennifer Miguel

Property Address: 4 Tony Street

For property located at Assessor's Plat 806 Lot 172 in Tiverton, Rhode Island in the following zoning district: R80

This matter was heard before the Board at a public hearing on April 6, 2016 upon Applicant's request for a Special Use Permit under Article VII Section 4.b. of the Tiverton Zoning Ordinance in order to raze an existing deck and stairs and construct a 10' x 16' two story addition with 3' x 10' second floor balcony.

Jennifer Miguel was sworn in and introduced herself and stated she was requesting a special use permit for the above stated purpose. She stated that the additional space on the first floor would be used for a kitchen table, while the upstairs space would be used for an office. There is currently 520 sq. ft. in the home. The relief needed is for front yard setback and lot coverage. The appropriate form of relief is through special use permit, as this is a preexisting nonconforming lot.

The current house has a cesspool and will be replaced with a brand new state of the art septic system, which has already been approved by DEM. The current deck needed to move to accommodate the septic system. Ms. Miguel that this use is compatible with all of her neighbors' uses. She would be complying with all other dimensional requirements, including

height requirements. Ms. Miguel testified that the home would remain a one bedroom, one bathroom home.

Mr. Collins questioned whether some steps would be necessary from the rear-sliding doorway. According to Building Official, Neil Hall, she will be in need of one or two riser steps. Mr. Taylor expressed concerns of people turning their summer cottages into permanent residences and stated he was opposed to any increase in size of the preexisting nonconforming structure on this preexisting nonconforming lot. Ms. Taylor-Humphrey agree, but stated that, because this is an application for a special use permit, not a dimensional variance, the standards have been met.

Chairwoman Gescheidt opened up the meeting to public comment, though no members of the public were present. Chairwoman Gescheidt then closed the public portion of the meeting and preceded to the deliberative portion of the meeting.

Mr. Collins made a motion to grant the request for a special use permit. Mr. Jackson seconded. Voting in favor were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey. Voting against was Mr. Richard Taylor.

- I. The public convenience and welfare will be served. No evidence presented to the contrary.
- II. It will not be detrimental to the public health, safety, morals or welfare. No evidence presented to the contrary.
- III. It will be compatible with neighboring uses and will not adversely affect the general character of the area. This is in an area with many homes on preexisting nonconforming lots that cannot be contained within the constraints of the R-80 zone.

- IV. It will not create a nuisance in the neighborhood, nor hinder or endanger vehicular or pedestrian movement. This use will have no impact on any other properties in the neighborhood.
- V. It will have adequate provision made for water service, sanitary sewage disposal and fire protection. The board may accept reports of the state department of health and registered professional engineers, land surveyors or sanitarians, as proof of the adequacy of these facilities. This finding is not applicable
- VI. It will be compatible with the comprehensive community plan of the Town of Tiverton. The plan promotes the small single family homes in this area.

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

May 6 2016
Date

L. Gescheidt
L. Gescheidt, Chairwoman *by Jodi King*

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NANCY L. MELLO TOWN CLERK
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