

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

05 MAY 2025
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. CHARLES BURKE, Vice Chairman
MR. TONY BRUM
MR. GEORGE D. DUARTE, JR., Alternate
MS. KIM TEVES, Alternate

ALSO PRESENT:

ATTORNEY PETER SKWIRZ, Town Solicitor's Office
MR. EDWARD TANNER, Zoning Officer

Susan E. Andrade
91 Sherry Ave.
Bristol, RI 02809
401-578-3918

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05 MAY 2025

The meeting of the Town of Bristol Zoning Board of Review was held and called to order at 7:00 p.m. by Acting Chairman Burke at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

Acting Chairman Burke called for approval of the April 7, 2025 minutes

X X X X X X

MS TEVES: I'll make a motion to approve.

MR. BRUM: Second.

MR. BURKE: All in favor:

MS. TEVES: Aye.

MR. DUARTE: Aye.

MR. BRUM: Aye.

MR. BURKE: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

05 MAY 2025

SITTING AS BOARD OF REVIEW:

CONTINUED PETITIONS:

2. 2025-02

BRANDON M. & CASSIE M. ANDRADE

**21 Naomi St.: R-15
Pl. 118, Lot 100**

Dimensional Variance to construct a 30' x 34' two-story garage and living area addition to an existing single-family dwelling with less than the required right-side yard.

Mr. and Mrs. Andrade presented the Petition to the Board. The Board noted that they had received the site plan, as asked for at the January meeting. Mr. Andrade reviewed the Petition and explained that they were looking to add an addition and garage with an additional 30 feet to the right of the house and going out to the back about 8 feet, to accommodate their growing family. They also both work from home and it's getting very tight.

Mr. Burke noted that there was testimony in January where it was discussed that there is no way to put the garage in another location, it's based on where the primary structure of the home is located; and there isn't any room on the left side. He also noted that the site plan shows the existing structure, but it doesn't show the addition. Typically, it would show the proposed distance between the property line and the addition. His interpretation is that they were initially asking for a four-foot variance, and it now looks like a three-foot variance; it looks like it will be farther away from the property line by 1 foot.

Mr. Andrade stated that based on the architect's drawing he thought it was going to be about ten feet from the property line. And now after the survey was completed it would be fifteen feet.

Mr. Tanner explained that the site plan that was submitted with the original application shows about 16 feet from the property line and it's 15 now. The Zoning District requires a 20-foot side yard, so they would be asking for five feet of relief.

No one spoke or against the Petition. The public hearing was closed.

Mr. Burke explained this was reviewed in January, the Board asked the applicants to address the technical issue that would allow the Board to move forward in making a decision, as they didn't know the dimensions and the applicant did submit the site plan. He thinks they have satisfied the requirements, and he didn't see any reason not to approve the application.

X X X X X X

MR. DUARTE: I'll make a motion. Based on the evidence presented to the Zoning Board of Review and the Board's knowledge, the Zoning Board hereby finds in favor of a variance for 2025-02 Brandon M. and Cassie M. Andrade for property located on 21 Naomi Street. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and not due to any economic disability of the applicant. Based upon previous testimony and again this evening, the addition to the property requires a five-foot variance to the side yard. The property was completed to align with the rest of the structures on Naomi Street. That the hardship is not the result of a prior action of the applicant, because, again, there was nothing that they have done prior to that that would deter us from granting relief. The granting of the requested Dimensional Variance will not alter

the general characteristics of the surrounding area or impair either the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. Because, once again, with the addition that he is currently looking to seek variance for will fall in line with the structures of those homes on Naomi Street. A number of people live on Naomi Street, and more specifically a couple of houses down, all those houses fall in line with the addition they are looking to build and would be a great addition to the street, as well as cosmetically. That the hardship that will be suffered by the owner of the subject property if the Dimensional Variance is not granted would amount to more than a mere inconvenience, because the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. Because, again, you have a growing family, they both work from the house, I can understand the space needed for the two separate offices and additional bedrooms and the like. The fact that the use be more profitable, or that the structure may be more valuable after relief is granted shall not be grounds for relief. So, we're not taking into consideration the potential value of the property. Therefore, I move that the Dimensional Variance be granted, subject to the following conditions: there are none. And I'm in favor.

MR. BRUM: I'll second.

MR. BURKE: All in favor:

MS. TEVES: Aye.

MR. DUARTE: Aye.

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MR. BRUM: Aye.

MR. BURKE: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

NEW PETITIONS:

**3. 2025-14
ALYSSA & RICHARD BROWN**

**21 Magnolia St.: R-6
Pl. 29, Lot 19**

Dimensional Variances to construct a 24' x 40' second-story addition to an existing single-family dwelling to create a second residential dwelling unit with less than the required lot area per dwelling unit.

Mr. Burke stated that per the Code requires a 10,000 square foot lot area and they have 8,000; so they are requesting a 2,000 square foot variance to construct a second dwelling unit in an R-6 zone.

Ms. Alyssa Brown presented the Petition to the Board. She explained they want to build a second story for an apartment upstairs for her mother-in-law to move into, to help with costs of living for her. Her father-in-law has passed, and they would like to have her mother-in-law move in. There would also be a back deck, extending off the back of the house with stairs coming down the side. Her mother-in-law presently lives in Town on DeWolf Avenue. She also confirmed that they had looked into an ADU and because of restrictions that would not make for a livable space, which would be around 600 square feet.

Mr. Burke asked if, as an alternative, could an exception to the square footage for an ADU be made, the 60% rule.

Mr. Skwirz stated that it could make practical living space; because if they give a variance for the lot area requirement, they could add an ADU to that. If they give relief for the 60% rule that would be an ADU above,

Mr. Tanner stated it would be a Dimensional Variance either way; it just depends on which type of Dimensional Variance. His discussions with the applicant were looking to add on the apartment, because the ADU is restricted to no more than 60% of the gross floor area of the first floor and the applicants want to do a full second floor. They could do a second floor by right without any variances, if they kept it a single-family home. But by making it a two-family home they need the variance; or basically use 40% of the new second floor as common space, or something like that to get around it. But after some discussions with the applicant, they wanted to just ask for a straight two-family house. Because the layout of the house would make more sense.

Mr. Burke stated he was just looking into what the least relief would be for particular circumstance. He was also concerned about whether there might be a public notice issue.

Mr. Skwirz stated there wouldn't be a notice issue if they wanted to frame it as a relief from the 60% requirement, because the impact on the ground would be the same either way; it's just a question of which criteria they grant relief from. The proposed use would also be the same.

Mr. Burke stated his concern would be if and when the property was to be sold, it could be sold as a two-family.

Mr. Duarte stated that now if the family members move out it cannot be restricted to the family.

Ms. Teves stated he was right, but now if the Board grants relief for an ADU, they cannot put another ADU on the property. But if they go up and make it a two-family, they will still have the right to put an ADU on the property. She felt more

comfortable with granting relief for the ADU on the second floor than making it a two-family and leaving the option open for an ADU.

In response to questioning by the Board about which option would be beneficial to the applicant. Ms. Brown asked if an ADU could have separate meters and was told she could. She then stated that to her, honestly, the property is small and doesn't see them needing an ADU ever in the future. The Board explained if the property was ever sold the next owner could come in and ask for an ADU.

Mr. Burke proposed that the Board grant it as an ADU to the dimensions that they would like and give them relief on the 60% requirement for the limitation on the area.

A detailed discussion was held by the Board on the pros and cons of each option. Mr. Skwirz noted that there is one restriction on an ADU; that it cannot be listed for short-term rentals, such as Airbnb.

Mr. Tanner noted that they meet the parking requirements, and the only variances would be, for a two-bedroom unit you can go up to 1,200 square feet, or 60% of the floor area, whichever is less. So, it's a 960 square foot first floor, they would be restricted to that 60%; but the Board would be giving the variance to go from 60% to 100%.

No one spoke in favor or against the Petition. The public hearing was closed.

The Board agreed that the applicant would still be getting what they need and precluding a third dwelling unit on the property in the future.

X X X X X X

MR. BRUM: I'll make a motion to approve file number 2025-14. The applicants Alyssa and Richard Brown. The applicant has requested Dimensional Variance to construct a 24' x 40' second story addition to an existing single-family dwelling to create a second residential dwelling unit with less than the required lot area per dwelling unit. Based on deliberations of this Board, the inspection of the property by the Board and the testimony of the applicant, the Board finds that in this particular case the hardship in which the applicant seeks relief is due to the unique characteristics of the subject land, and not to any general characteristics of the surrounding area, and not due to the economic disability of the applicant. Because, during this Board's deliberations we have found, and the applicant has testified that the 8,000 square foot lot on which the house is built upon is less than the 10,000 square foot area that is required for constructing an ADU, which is less than the required square footage to build an ADU. And rather than constructing a second living unit, the Board has found that building an ADU within the proposed second floor addition would allow the applicant to construct the ADU that they are looking for at greater than the maximum allowable amount of 60%. The applicant has requested to put a full second floor addition on the property, which will encompass 100% of the footprint of the property. The applicant has testified that constructing an ADU less

than 100% of the footprint at the maximum of 60% would limit the usability, as well as increase the expense and not meet the needs and the hardship in which she has. Her mother is looking to inhabit the ADU; and by limiting approval to the additional dwelling unit, we are allowing for the occupancy of the applicant's mother. The granting of the requested Dimensional Variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. Because, as noted there are several two-family homes and a two-family dwelling unit would be allowed in this R-6 zone, just at a less than the requested amount. The hardship that will be suffered by the owner of the subject property, if the Dimensional Variance is not granted, would amount to more than a mere inconvenience and the relief sought is minimal to a reasonable enjoyment of permitted use to which the property is proposed to be devoted. Because, as we had stated, the development of this property at the maximum addition to 60% would limit the use of the property and create a hardship for the applicant's mother, who she has testified will inhabit the ADU. For these reasons I find that by granting this Dimensional Variance, it will be in accordance with the Town's Comprehensive Plan.

MS. TEVES: I'll second.

MR. BURKE: All in favor:

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MS. TEVES: Aye.

MR. DUARTE: Aye.

MR. BRUM: Aye.

MR. BURKE: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

05 MAY 2025

4. ADJOURNMENT:

X X X X X X

MR. BURKE: Motion to adjourn?

MR. BRUM: Second.

MR. BURKE: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

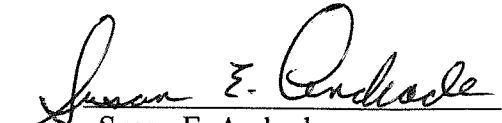
X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 7:31 P.M.)

05 MAY 2025

RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 05 MAY 2025

Date Accepted: 5/2/25

Chairman: 