

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

03 JANUARY 2023  
7:00 PM  
BRISTOL TOWN HALL  
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman  
MR. DAVID SIMOES  
MR. DONALD S. KERN  
MR. DEREK TIPTON  
MR. TONY BRUM

ALSO PRESENT:

ATTORNEY ANDREW TIETZ, Town Solicitor's Office  
MR. EDWARD TANNER, Zoning Enforcement Officer

Susan E. Andrade  
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401-253-5570

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

**1. APPROVAL OF MINUTES:**

**05 DECEMBER 2022**

Chairman Asciola called for approval of the December 5, 2022, meeting.

MR. SIMOES: Mr. Chairman, I 'll make a motion that we approve the December 5th meeting, as printed.

MR. TIPTON: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes approved)

**2. 2022-34  
WENDY KALIF**

**12 Everett Ave.: R-10  
Pl. 122, Lot 24**

Dimensional Variance to construct a 10' x 12' accessory shed structure with less than the required front yard.

Mr. Tietz stated that before the Board began, he just wanted to remind the Board that this being January, the law has changed for Zoning board voting. It no longer requires four votes out of five for variances, or special use permits. It's simply a majority. And they no longer need all five members for a quorum, there can be four members, including alternates to have a quorum. In that case they would have to have 3-1 votes: it's a majority vote. It is not retroactive, as if there was a meeting beforehand and the matter was continued. However, this Petition was not heard prior, so it would apply.

Mr. Francis Devillaers, 12 Everett Ave, presented the Petition to the Board, as his wife, applicant and owner Wendy Kaliff, was ill and could not attend the meeting. He explained that they want to build a 10' x 12' shed, but they can't put it 30' away from the property line, because of the incline of the land, which would require it to be put on stilts. He also has a permit for a generator to be installed close to where he wants to put the shed. He would put the shed next to the concrete slab for the generator. That shed would be because of the angle of the property line, between 19 and 20 feet away from the front property line. The shed would be used for outdoor equipment and storage for yard tools.

The Board reviewed the application in detail, discussing possible other locations, which were determined that it would be difficult due to the slope of the land.

No one spoke in favor or against the Petition.

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MR. SIMOES: Mr. Chairman, I'll make a motion that we approve file number 2022-34. To grant a variance for a shed. It would be in the 30-foot front end, but the variance will be on the north side, because the land slopes, it's an angle, it's not a straight line. So, on the north side he will need an 8-foot variance. And on the south side 11 feet, because right now its 22 and 19. And the reason is that the hardship is not the applicant's any doing there, it was they seeks relief due to the unique characteristics of the subject land. the land starts pitching down towards the water in that area, and that's the only spot where he could put a shed on the level ground. And the hardship is not the result of any prior action of the applicant, nor is it for any desire to realize greater financial gain. By granting the requested dimensional variance, it will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan. The relief requested to be granted, is the least relief necessary. Therefore, I move that this dimensional variance be granted.

MR. TIPTON: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

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MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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NEW PETITIONS:

**3. 2023-01  
RENEE L. MARACCIO**

**3 Hawthorne Ave.: R-10  
Pl. 121, Lot 130**

Dimensional Variances to remove an existing 10' x 23' enclosed porch, and construct a new 20' x 24' two-story living area addition to the rear of an existing single-family dwelling with less than the required left side yard and less than the required right side yard.

Dimensional Variance to remove an existing 10' x 23' enclosed porch and construct a new 20' x 24' two-story living area addition to the rear of an existing single-family dwelling, with less than the required left side yard and less than required right side yard.

Renee Maraccio, 3 Hawthorne Ave and Ronald Maraccio, Renee's father, presented the Petition to the Board.

Ms. Maraccio explained that she would like to add the additional living area because she is re-doing the house. It was designed as a beach house, and it needs a lot of work and she is trying to design the perfect home. She confirmed that it is a very long and narrow lot and the previous two lots were combined about ten years ago. It's not going to encroach any more into the side setbacks as exists now, it will just be going back and up. the height of the second floor will be 23 feet.

Mr. Maraccio stated that they are trying to match the existing house with the addition.

The Board reviewed the plans in detail.

Mr. Tanner noted that because this lot is only 40-feet wide, its subject to the reduced side yard setbacks for non-conforming lots; so, whereas most lots in the R-10 zone

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require a 15-foot side yard setback, this property would only have a 10-foot side yard setback. So, they're asking for 9.6- and 6.4-foot setbacks. But the amount of relief requested is not as large as otherwise.

No one spoke in favor or against the Petition.

X X X X X X

MR. BRUM: Mr. Chairman, I'll make a motion to approve file number 2023-01. The applicant is requesting dimensional variance to remove an existing 10' x 23' enclosed porch and construct a new 20' x 24' two-story living area addition to the rear of an existing single-family dwelling with less than the required left side yard and less than the required right side yard setbacks. The applicant is currently requesting relief for the left side yard setback, which requires 10 feet and the right-side yard setback, which also requires 10 feet. The unique characteristic of this property also lends to the relief that is being requested. Because the frontage of this property is less than the 50 feet required, the reduced side yard setbacks are to 10 feet in an R-10, for a 40-foot frontage property in an R-10 zone. The left yard will require .4 feet of relief and the right yard setback will require 3.6 feet of relief. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land. This particular property has a 40-foot front yard frontage and most properties in Town, if not all properties in Town require at least 50 feet of frontage, which makes this property have unique requirements. The hardship that the applicant seeks relief from isn't due to any prior action, as the applicant testified, the

property is a family property and per the application, the property was purchased over 70 years ago by a relative and has been in the family since. And, as the applicant stated, is looking to keep the property in the family and renovate it to make it more of a home, as the applicant has stated. I don't see anything within the application that allow us to determine if there would be any change or any impact on the neighborhood by allowing this dimensional variance, as the reconstruction of this property is to stay within the same footprint, though it is increasing in height, but still within the requirements of the Town, does not change the characteristics of the property. It is the least amount of relief necessary, as we are not changing the footprint of the existing property, creating no greater impact. And if the owner was to have this dimensional variance denied, it would be more than a mere inconvenience. This family has grown, what would be a need for additional space has also grown and this particular property in the area located, once was more of a cottage setting, but now we are seeing that the area is developing into primary residences and larger homes. And this home would be more in character with the area, by adding a second level and increasing the size of the home; it would not take away from the characteristics of the neighborhood but make it more in line with those same characteristics. And for these reasons, I move to approve.

MR. SIMOES: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

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MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

MR. DAVID SIMOES STEPPED DOWN FROM THE BOARD

4. 2023-02

**CHRISTOPHER & KAREN A. FERREIRA**

**1 Colonia Rd.: R-10  
Pl. 61, Lot 47**

Dimensional Variances to modify a previous decision to construct a 16' x 24' accessory garage with attached 10' x 16' carport by enlarging the proposed carport to 12' 3" x 21' and connecting the structure to an existing single-family dwelling with less than the required right side yard and less than the required rear yard.

Mr. Christopher Ferreira presented the Petition to the Board. He explained that he put the foundation in to build what he originally wanted to do, and the Building Inspector said the garage door needed to be pushed over two feet, which would cause him to have the carport pushed over two feet, otherwise the pole would be in line with the site of driving. After weighing it out and looking at it, he thought it would be better to extend the carport another two feet forward, get rid of the pole in the corner and would tie into the house. It would make it more accessible to get into the house through the side. If there is a car parked in the driveway in front of the proposed garage, the space to walk around is very tight. He would tie the left corner into the house and eliminate the porch structure.

Mr. Asciola noted that once it is tied into the house it becomes part of the main structure and the zoning changes. And he knocked the whole garage down instead of putting the addition on and he has now lost all the previous zoning that he was granted.

Mr. Ferreira stated he knocked it down because the foundation wasn't any good underneath.

Mr. Tietz stated that it was correct. He demolished it and it should have come back to the Board before it was demolished. Once its been voluntarily demolished, it does change the requirements.

Mr. Asciola explained that if it is connected to the house, the side yards are changed to the 15 side yard and 30 foot front yard requirements. He would suggest that he try not to tie it into the house, as he doesn't have the required setbacks.

The Board reviewed the Petition in detail and tried to suggest alternatives for the Petitioner to build what he needs without tying it into the house.

Mr. Tanner noted that he was not aware that the original structure was being taken down. The building official informed him that the structure had to come down and that everything was gone. By the time he went out to the property everything was already down and a hole in the ground where the new foundation was being installed. He checked with the building official, who confirmed that what was in place was not sufficient and would not have handled what was planned. At that point he had a decision to either say stop and come back to the Board. But he met with Mr. Ferreira and the building official and talked about it and Mr. Ferreira assured him that he was going to build exactly what the Board approved. He looked at it as not a voluntary demolition, because the floor was collapsing and all broken up and maybe Mr. Ferreira didn't know that until he got into the walls and took it apart. But once he met out there, he felt comfortable that it was within the rules, as long as he rebuilt exactly what was approved previously by the Board. But the new Petition is for something different.

Detailed discussion was held concerning alternatives to connecting the proposed structure to the main house.

Mr. Tietz stated that the Board does need support of evidence about the hardship and the testimony that was heard is that the applicant is not a builder, and he doesn't know what's need and what can be done. So he thinks that there isn't any testimony on the hardship, even a mere inconvenience at this point. It seems he should be consulting with an engineer or an architect, someone professional to determine what else could be built. But given the opportunity to do that and come back with a new plan, as clearly the connection is a problem.

Mr. Tanner noted that the original approval was for the overall size of the structure, because it would be 40 feet long, along that property line; and less than the right-side yard. The garage can be built, the applicant has a permit for that structure; the new proposed carport is what is not in compliance with the original approval by the Board.

Mr. Teitz noted that if the carport can be engineered to the original plans and relief approved, he would not have to come back.

No one spoke in favor or against the Petition.

The Board asked the applicant if he wanted to continue the Petition at this point, Mr. Ferreira agreed to a continuance.

X X X X X X

MR. BRUM: Mr. Chairman, I'll make a motion to continue file 2023-02 to the February 6<sup>th</sup> meeting.

MR. KERN: I'll second that.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

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MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION ANIMOUSLY APPROVED)

(Petition Continued)

MR. DAVID SIMOES SAT BACK ON THE BOARD

5. 2023-03

LARISSA & ESTEBAN LAVER

103 Kickemuit Ave.: R-15  
Pl. 133, Lot 34

Special Use Permit to keep up to 10 chicken hens on a residential property.

Ms. Larissa Laver and Mr. Esteban Laver presented the Petition to the Board.

Ms. Laver stated that they were applying for a permit to keep ten hens. She stated that if the Board read the application in total, they would see that they made a big mistake and didn't know they needed a permit and they already have ten chickens. They moved to Bristol a year ago and the chickens came with them and they had to very quickly had to build something that would house the chickens and keep them safe. The application also includes appendix type letters, probably the reason they found out they needed a permit is because there is vehement opposition present at this meeting, wanting them to get rid of the coup and the chickens all together.

Mr. Asciola stated that he did drive by and doesn't think it's a very good situation.

Ms. Laver stated that they became aware that the coup is too close to the other property and they are determined to either move it or build, or get somehow, another structure to be within the setback limitations and also more appealing to the eye.

Ms. Asciola stated that he doesn't think the Zoning Code envisioned the situation on that property, having a chicken coup in someone's front yard. It envisioned it being in a regular neighborhood, house by house, side by side, chicken coup in the back, not in someone's front yard.

Ms. Laver stated that the other house is actually under construction and when people were looking at the house she spoke with them, and they loved the idea of the chickens

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and that their 11-year old would love having chickens next door. She believes they are being scapegoated for a property that is both incomplete and overpriced.

Mr. Laver asked what the Board would suggest, as they consider that their back yard. In order to get the permit, they would be happy to move it a lot closer to be within the guidelines. They have plenty of space to meet the 40-foot requirements.

Ms. Laver, in response to Mr. Asciola statement that not every house can have chickens, stated that they are in an area that can have chickens; that's why they chose the house a year ago. They drove around the neighborhood and there were chickens all over the place and she felt this is where she could raise her chickens.

Mr. Kern asked if the easement for the driveway count for the 40-foot requirement. Mr. Tanner stated it does not count easements for any types of zoning; its from property lines.

Ms. Laver confirmed she has ten chickens. Mr. Tanner stated that the Special Use Permit Standards in 28-150(e) for the keeping of non-household animals is up to three non-household domesticated animals, but up to six chicken hens. But then when the Council amended the Ordinance last in 2020, the sentence was added that says "as part of granting a Special Use Permit, the Zoning Board may allow more animals, if neighborhood conditions are appropriate". He continued that he thinks that came about because of a few situations with horses, where people wanted maybe four and they were on very large properties. If the Ordinance says up to six chicken hens, but if the Board feels that conditions are okay, they can give more. He is aware that there is a letter from a neighbor in opposition and he also wanted to bring attention to the Memo from Diane Williamson. There was a TRC meeting, as with all

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Special Use Permits his understanding is that Ms. Lavers was going to bring in some type of a design for a chicken coup.

Ms. Lavers stated she was under the impression that if they found one that they were satisfied with, they would bring it in.

Mr. Tanner stated that Ms. Williamson's memo says that the applicant noted that she is looking to acquire a new coup and that she would provide the Zoning Board with additional information on a specific design for the chickens' enclosure, as far as fencing and screening and that type of thing.

Ms. Lavers stated they are still trying to figure something out and is why she didn't bring anything official or formal for this meeting. She said that they would be able to move it based on the drawings, moving it closer to their home, so that its within all the 40-foot setbacks.

Attorney S. Paul Ryan, representing Mr. Paul Caromile, Caromile Construction, abutting property owners, lot 133. He explained that he had attached to a letter a copy of the accessor's map and asked that it be marked as Objector's Exhibit A.

Attorney Andrew Tietz asked that the entire packet and Mr. Ryan submitted, including the letter be marked Objector's A.

The Board accepted the packet as Objector's Exhibit A.

Mr. Ryan stated that the Board seems pretty familiar with the Kickemuit access for lot 133 in the back, it is an easement over the lot 34. He's not sure when the Planning Board approved the subdivision was thinking about chicken coups or much of anything else, but it got approved, which then eliminated the lot 133 from really having direct frontage on Kickemuit. So, it created the situation which was just described. That is that the rear yard of lot 34, or the

side yard, depending on how you look at the configuration, becomes effectively the front yard of lot 133. The section regarding chicken coups and domesticated animals in a residential zone states that under Section (e)(2), "No animals, or their quarters, may be kept in the front yard". Now, obviously the front yard is his client's front yard, not the applicant's front yard. But, there had to be some legislative intent by the Town Council as to why they restricted front yard structures, such as this. He's sure it had to do with appearance of the neighborhood, property values, etc. As the Chairman pointed out, and he was in Bristol when they did the first chicken coup ordinance, he doesn't think any Council member anticipated this configuration of lots, where a lot on the street, winds up being the access for the lot in the back, which is effectively land locked without the easement. So, that really is a technical violation of the Section related to front yard restrictions. In this case, the Board, if they were to deny the application, would have to make a Finding that effectively the front yard of lot 133 directly abuts the rear yard of lot 34, where the chicken coup is, no matter which way you go with the 40 feet.

Secondly, as part of the full exhibit there is an expert opinion from the realtor, who has dealt with selling this property for the last several months. Now, as they admitted, the chicken coup was constructed without a permit, not even a building permit, never mind Zoning approval. And, ordinarily when an applicant comes before Zoning for a Special Use Permit, the Board is trying to assess in the future what the impact of that application is going to be. In this particular case, the future has been the last ten months. There is actually a report card on what the impact of the chicken coup has been on the ability of his clients to sell their house. And, he would generally say, the real estate broker, in her opinion, said that it was her opinion that it would adversely impact houses in the area, not just lot 133. The impacts for the chicken coup is obvious; there's no requirement on how you build the coup, there's no federal, state building

code; and you can see that when you drive around the surrounding area in Rhode Island and Massachusetts, where you see some pretty dilapidated coups that are still functioning as chicken coups without any Town interference about violating some law. So it definitely has a negative visual impact. But beyond that, coyotes are attracted to chicken coups and in spite of what the applicant said, not many young families with young children or small pets is going to be interested in a house next to a chicken coup. There is no question that they know for a fact that this chicken coup negatively impacts his client's property and probably other neighbors, regardless of the altruism of people having chickens and wanting to have their own eggs. Like anything else, whether its ten chickens on a house lot or a 100 or 200 on a farm, they take work. You're relying on a neighbor to somehow constantly keep the chicken coup to where its not a nuisance, never mind an eyesore or coyote attraction. For that reason, the respectfully ask the Board to just deny this application. To use the facts that he laid out for the Board, which are sufficient facts to be able to deny the application for a Special Use Permit, because they simply can not meet the guidelines. And whether they built it a year ago or not, they created a report card on the impact of this chicken coup.

Mr. Paul Caromile, property owner of Lot 133, during questioning by Mr. Ryan, confirmed that the facts as laid out by Mr. Ryan, are true and accurate to the best of his knowledge. He stated that this definitely has an impact on the area. It's a unique situation where you drive into the easement and the chicken coup is right in their front yard. It is devaluing their property. They have been told by the realtor that says everybody that goes there says it devalues the property. And he thinks that by the Town granting this Petition would be like saying this is it and he doesn't think that when the ordinance was drafted thought that it was going to impact somebody else's property. You have chickens in the back yard where you don't have a neighbor

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in the back yard or a front yard in the back yard. When you look out from the porch of his house you see the chicken coup. People who have come to look at the house refer to it as the chicken coup house. He started building the house in July of 2022 and the chicken coup went in after that; the house should be completed by Spring 2023. He has owned the property since 1987 or 1989. It was a larger property that was subdivided and the Laver's home was on the original parcel of land and then the Planning Board allowed relief to subdivide the property.

Mr. Tietz stated that he was assuming that Mr. Ryan did not have Ms. Cordiero present to testify, only the letter and her resume showing that she has been a licensed broker for 17 years; Mr. Ryan confirmed that he was correct.

Ms. Laver stated that when Mr. Caromile said that he started building the property in July, that was correct. But, she thought she heard him say that they built the coup after, which she had already said they had built it last January. So when they built the coup, they had no idea what position that the other house was going to be, they didn't know it was going to be the front yard. And, since they bought their property from Mr. Caromile, who put lovely arborvitae trees on the side line of the property, he had also mentioned that something like that would be between the properties at some point. So, either way they thought it really wasn't their front yard.

The Board had detailed discussion at the bench about the subdivision of the lots and the layout of said lots, along with how the coup could be moved and shielded in order to accommodate both parties.

In response to discussion by the Board on if there are screening requirements, Mr. Tanner stated that the Ordinance doesn't say anything specific, but it does say that "the animals and their shelter, must be kept a minimum of 40 feet away". So, you have to keep them away, somehow, he assumes they have to put in some kind of structure, but the Ordinance does not

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require any type of fencing or specific type of enclosure. But, he thinks some vegetation or fencing would probably go a long way to solve this.

Mr. Tietz stated that the Board does have the power to impose conditions on a Special Use Permit, as they see fit, which could include landscaping and fencing. He also stated that there appears to be a lot of room in the yard between the house and the existing chicken coup and it looks like it could be a lot farther away from the neighbor's property and still maintain the side yard setbacks.

In regard to fencing and location, Ms. Laver explained that they built the existing coup in a hurry, it was January and cold and wanted to wait until the existing house was done before any thought of fencing, because they have construction vehicles going in and out and whatever they might do would get ruined. There has been discussion between the two parties about fences, it was not a pleasant discussion, which were held at the TRC meetings. Their preference would be to have natural barriers, but they would need time for that because it won't grow over night.

Mr. Caromile stated that he wanted her to put up a six-foot fence right along the easement and through the back of the yard, so that you can't see the chickens. He knew the chicken coup was built illegally and didn't say anything about it. But now its affecting his property and its depreciating the house that's being built. When he tried to speak to her, she said she wasn't going to pay for a fence, she want him to pay for the fence. He said that he told her that he wasn't going to pay for the fence and that's when he went to the Town. And she told him that she was going to call the Town and found out it was illegal.

Mr. Tietz instructed the Board to keep both parties to stay on track of what they're willing to do.

Mr. Ryan stated that his client would like a six-foot fence across the northerly boundary to the property line of the easement, paid for by the applicant,

Ms. Laver stated that they don't think its appropriate for them to pay for the fence along Mr. Caromile's property line, since he was going to put something up there anyway and spoke to that many times to her. She doesn't want to pay for the part that abuts that line.

Mr. Asciola stated that it is Ms. Laver's chicken coup and Ms. Laver stated that Mr. Caromile also chose to build a house facing the lot.

More discussion was held between the Board members on what type of fencing or screening would be acceptable and the reasons on why this was before the Board.

Mr. Tanner stated that in keeping with the 40-foot rule, the applicant's could build something in their back yard to enclose the chicken coup so that you can't see it; it doesn't have to be along the property line. His suggestion might be that the applicant knows what the Board is looking for, continue for a month and have the applicant come back with a plan to screen his chicken coup in some manner, whether its down the easement, property line, or a smaller area in the middle of the back yard and then the Board is not designing it.

Mr. Laver asked for some direction on whether a new coup would be needed if the fence is required. Ms. Asciola explained that it should be moved away from the other property, some type of screening and a new coup structure.

Mr. Ryan stated that moving the new coup closer to the house, fencing it in with something other than arborvitaes, as it would take years for growth, would be agreeable.

Mr. Tietz expressed that the applicant has to come back with a real plan, what the change to the coup is going to be, to come in with a drawing that shows it, the fence and the detail to scale dimensions on where the coup is and where the fence is. That's what the Board is

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going to need to consider. They have to come in with plans on what is going to be actually built. All needs to be in by February 10<sup>th</sup> for the March 6<sup>th</sup> meeting.

In response to Ms. Laver asking how long they would have if she decided to move, Mr. Tietz stated that if it is denied, the chicken coup must come down within 30 days, or they will be in violation.

Due to several scheduling issues, it was suggested that the Petition be continued to the March meeting.

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MR. SIMOES: I'll make a motion that we continue file no. 2023-03 to the March 6<sup>th</sup> meeting. The applicant has to come in with a plan on enclosing the chicken coup.

MR. TIPTON: And a description of the chicken coup and the fencing.

MR. SIMOES: Right, a description of the fence and the chicken coup and all that.

MR. TIPTON: I'll second that.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. TIPTON: Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION ANIMOUSLY APPROVED)

(Petition Continued)

6.      **2023-04**  
         **DAVID J. PAUL**

**17 Highview Dr. : R-15**  
**Pl. 48, Lot 69**

Dimensional Variances to construct an approximate 24' x 36' single-story accessory family dwelling unit addition to an existing single-family dwelling with less than the required front yard and less than the required rear yard.

Mr. Robert Watson, Mr. David Paul and Ms. Lori Paul, all at 17 Highview Drive presented the Petition to the Board. Mr. Paul explained that they would like to build the accessory dwelling for his in-laws. They have a child on the way, want to keep the parents there and they just need more space. Mr. Paul confirmed that the abutting property is fenced in and is a reservoir or retention pond and behind their home is all woods.

Mr. Tietz wanted to clarify that although the retention pond is on their property, it provides drainage for Highview Ave; the Paul's stated that he is correct and confirmed there is a recorded easement for it.

The Board reviewed the plans in detail with the applicant. Mr. Tanner noted that there is a survey submitted with the application.

Ms. Nancy Glennon, Highview Drive noted that she is in a single-family home area and doesn't understand what they want to do. She understands that now these mothers-in-law apartment and then later they decide to rent that section out to someone other than family.

Mr. Tietz explained that the law has changed recently on this. There is no such thing as an accessory family dwelling unit per se anymore. There are accessory dwelling units. And the Town can apply dimensional restrictions on them, but they're no longer just for the use of family. Until the Town adopts new rules, they're just on the existing rules; but the family part

has gone away. This is part of a series of Bills that the General Assembly passed for encouraging additional housing and it is for the whole State of Rhode Island.

If this applicant was in an R-20 zone, they could put an addition on by right; but this particular application is in a R-15 zone. The Board, however, can not restrict it to the family part of it.

Ms. Glennon stated that was what she read and when she bought her home they couldn't do this and now this will diminish the value of her home. She doesn't know what else people are going to be able to build and it concerns her and what will happen to her when she wants to sell her property. This area was supposed to be single-family homes, she outlined all the other houses being added on to on the cul-de-sac and said that if everybody gets permission to do what they like to do, her whole street will have additions.

Mr. Tietz stated that the Town will be looking to updating the Ordinance as it pertains to this and each case will be subject to review and approval. But again, this is in response to new laws passed Statewide.

No one else spoke in favor or against the Petition.

Mr. Tanner stated for clarification that this applicant is before the Zoning Board for an addition to their house and the setbacks. How its laid out inside and the AFDU piece of it is another separate permit that comes later.

X X X X X X

MR. KERN: I'll make a motion, File number 2023-04, 117 Highview Drive, David J. Paul, Bristol, RI, lot 69 is here in front of us for a variance to construct an approximately 24' x 36' single-story accessory family dwelling unit addition to an existing single-family dwelling with less than the required

front yard and less than the required rear yard. The variance they're requesting is, the required setback is 35 feet, they're requesting 31.3 feet, which is a variance of 3.7; that was the front. And, the rear side they're requesting an 8 foot variance on the rear lot. The hardship from which the applicant seeks relief is due to unique characteristics of the land or structure and not the general characteristics of the surrounding area, or an economic disability of the applicant. Because, the rear lot is wetlands and the cul-de-sac kind of cuts into the front yard and the Town owns in the rear. The hardship is not the result of prior action on the part of the applicant and does not result from the desire of the applicant to realize greater financial gain. Because it's for expansion of the family and for everyone to be more comfortable in this house. The granting of the 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. Its in the area where those houses will look similar to all the houses that are already in place on Highview. The relief requested to be granted is the least relief necessary, because it is, they need to add to their house and it will get a little close to the back yard, but there is wetlands and it can not be built on. The hardship that would be suffered by the owner would be more than a mere inconvenience if the dimensional variance is not granted, because they would not be able to expand their living space for the additional souls that will be living in that house. I so move that we approve the variances.

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MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. TIPTON Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION ANIMOUSLY APPROVED)

(Petition Granted)

7.      **2023-05**  
         **OSCAR I. DELEMONS**

**56 Thompson Ave.: R-10**  
**Pl. 22, Lot 110**

Dimensional Variance to construct a 20' x 28' two-story garage and living area addition and a 24' x 36' single-story accessory family dwelling unit addition to an existing single-family dwelling with less than the required front yard on a corner lot.

Mr. Oscar DeLemos, Ms. Lisa DeLemos and Mr. Johnathan DeLemos presented the Petition to the Board. Mr. Oscar DeLemos explained that this house is very small and they need more living space. They want to extend the house East, both stories, because it is a two-story home, create a garage there for two cars and then living quarters up above. At the same time, they would like to extend into the lot South to make an in-law apartment. He confirmed that the structure being built would be 28' x 56'.

The Board reviewed the plans in detail and agreed that the existing home is very small. The Board also reviewed parking for this location. Mr. DeLemos stated that currently they have a driveway that parks four cars and they plan on the garage that would house two cars and then a driveway in front of the garage that would go along the side of the in-law apartment that would park another four cars. Also, the Town, during the new sidewalk restoration, put the curb cuts in to allow for the driveway.

Mr. DeLemos also described the slope of the land, which has at least a 6-to-7-foot drop, and how through discussions with the architect they decided on the location for the addition.

Mr. DeLemos submitted a letter in favor from an abutting neighbor, Mr. Bruce Palumbo and was marked as Applicant's Exhibit 1.

Mr. Tietz noted that the Board also received a letter from Seraphin DaPont and was provided to Mr. DeLemos to read and was marked as Exhibit A.

In regard to concerns noted in Mr. DaPont's letter, the Board explained that the applicant has a double lot, 10,862 square foot lot and lot coverage with the existing house, porch and deck and with the proposed additions, they would be at 2,619 square feet, which would be 24.1 %, with the proposed additions.

Mr. Seraphin DaPont, 40 Varnum Avenue stated that he welcomes the family and the renovation of the house and it is a big lot; so all of it works. The history of Perry street is that for 30 years they have been fighting for Perry Street to be streetscaped and they finally got 90 percent of it accomplished. But there was a certain section where the sidewalk is not continuance, so there's a cross walk just East of Varnum Avenue that kids walking to the high school have to cross the street. He just wishes they would soften the renovations for the neighborhood. His concern is parking; the current spaces that are there now, when you have a three-foot setback are all gone. Then you have the east side of the garage, 23' as drawn. There's a 2-to-3-foot grade change in that area, so there's going to be some retainage. There's an 18' garage door, that's going to be a trick to pull a car in. His main concern is where four cars are going to park. His second main concern is there's a lot of beautification on Perry Street and can someone consider to put a break in the house and bring the house back. Give them everything they want on top, give a little more green space, they can cross through; they could cross from the bottom. He just asks for some consideration so that it blends in more with the neighborhood and the recent improvements.

Mr. DeLemos stated he appreciates the comments and a lot of them make a lot of sense. But, the parking issues, he thinks that he has shown that they can fit four cars in that space; the turning into the garage they will have to figure out. But they have shown that they can fit four cars legally on the driveway. As for the cross walk, that is three properties ahead of them, not anywhere near their property. As far as that long wall, if you look at the roofline, that also makes a different turn into the driveway area; so it does break up the visual, as shown on the plans and drawings. Also, all of the houses are very different than each other along that neighborhood.

Mr. Tanner stated to clarify that Mr. DaPont mentioned possibly retaining walls and the grading there in his letter; the size of this addition does trigger the Town's drainage Ordinance. So, prior to a building permit they'll have to submit a plan showing the grading and how the water is going to flow across the property and will come prior to the building permit.

X X X X X X

MR. BRUM: I'' make a motion to approve file number 2023-05. The applicant is requesting a Dimensional Variance to construct a 20' x 28' two-story garage and living area addition and a 24' x 36' single-story accessory family dwelling unit addition to an existing single-family dwelling with less than the required front yard on a corner lot. The relief that the applicant is requesting to the front yard is the average of the front yard setback for an R-6 zone in that section of Town...

MR. TANNER: This property is zoned R10, so it's a 30-foot front yard setback.

MR. BRUM: The front yard setback; so we're asking for 27 feet of relief to the front yard setback and really that's the only dimensional relief that will be granted. Well, the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and the structure. The orientation of the building and the development of the property were completed prior to the Comprehensive Plan of the Town. The front yard setback to the existing dwelling is within 3 feet of the front property line. A hardship that the applicant did not create. As they testified that they did not build the house. In addition, changing the orientation of the proposed addition creates a unique hardship because of the orientation of the existing property, its location in relation to its lot line, 3 feet from the front yard setback. And having minimal space on the right yard setback. Again, these characteristics are due to how the house was previously placed on the property and not due to any action of the applicant. The applicant does not stand to realize any financial gain with the addition. As they have stated, the addition will be used for extended family and Mr. DeLemos' growing family. This Dimensional Variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town. This being an older neighborhood within Bristol, having been developed previous to the Comprehensive Plan, properties were built in different fashions in different periods of time. This happens to be one of those properties where you have a large lot where the house is placed sort of

oddly within that lot. And, because of the placement of the house, and that the property previously had been larger and has been subdivided, the property itself is not uncommon. And as I had identified there's several large apartment buildings, larger apartment style homes surrounding the property. The hardship that will be suffered by the owner is more than a mere inconvenience, given that there are family members would require a residence, as well as Mr. DeLemos' growing family. And were they not allowed to build, we have established, some of our restrictions have been lightened by the General Assembly and changes in the State Law to allow for more housing. Given this particular case, the DeLemos' do not have a property that will improve themselves, so they are improving John DeLemos' property so that they can remain in Town and have a residence. And for these reasons, I so move.

MR. SIMOES: I'll second.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. TIPTON Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION ANIMOUSLY APPROVED)

(Petition Granted)

**8. ADJOURNMENT:**

X X X X X X

MR. ASCIOLA: Motion to adjourn?

MR. KERN: I'll make a motion to adjourn, Mr. Chairman.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BRUM: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BURKE: Aye.

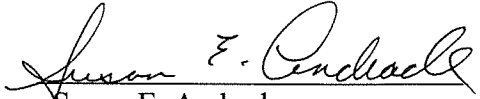
X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:29 P.M.)

03 JANUARY 2023

RESPECTFULLY SUBMITTED,

  
Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 03 JANUARY 2023

Date Accepted: 2-6-23

Chairman: 