STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

05 OCTOBER 2026
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman
MR. CHARLES BURKE, Vice Chairman
MR. DONALD KERN
MR. TONY BRUM
MR. GEORGE DUARTE
MS. Tim Palmer, Alternate

ALSO PRESENT:

ATTORNEY DAVID MARKS, Town Solicitor's Office
MR EDWARD TANNER, Zoning Enforcement Officer

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

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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 Acting Chairman Burke at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

Chairman Asciola called for approval of the September 14, 2026 minutes

MR. BURKE: I'll make a motion to approve the minutes as written.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

SITTING AS THE BOARD OF APPEALS: CONTINUED

2. ZAPL-26-1, ZAPL-26-3, ZAPL-26-4 668 & 670 Metacom Ave.: GB
DAVID RAMOS/RAMOS LANDSCAPING, LLC Pl. 128, Lots 15 & 16

Appeal of three Notices of Violation dated February 12, February 25th, and March 11, 2026 issued by the Administrative Officer for conducting business operations on a Sunday and/or outside of the Planning Board's approved special use permit hours of operation.

XXXXXX

MR. BURKE: I'm going to make a motion that we accept the withdrawal of ZAPL-26-1, ZAPL-26-3, ZAPL-26-4, David Ramos/Ramos Landscaping, LLC. He has indicated that he is withdrawing these and I make a motion that we accept his withdrawal, with prejudice.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Appeal withdrawn with prejudice)

3. ZAPL:-26-5
JOHN J. MARSHALL **8 Constitution St.: R-6**
Pl. 11, Lot 20

Appeal of a decision of the Bristol Historic District Commission denying installation of a sliding door on an existing accessory garage structure.

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MR. BURKE: We don't have the decision for review and we don't have a quorum, so I'm going to make a motion that we continue this until the November 2nd meeting.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Continued)

SITTING AS THE BOARD OF REVIEW – CONTINUED:

4. ZBR-26-24
JOSEPH M. BRITO, JR. **161 Poppasquash Rd.: R-40**
Pl. 182, Lot 7

Dimensional Variances to demolish an existing residential guest house structure and construct a 41' 2" x 44' 4" x 32' high accessory bunkhouse/boathouse structure at a size and height greater than permitted for accessory structures in a residential zoning district. Also:

Special Use Permit to construct a 41' 2" x 44' 4" x 32' high accessory bunkhouse/boathouse structure at a height greater than 25' above grade within the flood zone.

The application was presented by Douglas Kallfelz, co-founder of Union Studios Architecture and design. Mr. Joseph M. Brito Jr, applicant, was also present and stated he would guess that this parcel consists of 6 or 7 acres.

Project Overview: The petition requested a dimensional variance and special use permit to demolish an existing guest house and construct a new 41.2 ft x 44.4 ft, 32 ft high accessory bunkhouse/boathouse. This exceeds size and height limits and is within a flood zone.

Applicant's Testimony: The same petition was approved five years ago but expired. The existing structure is non-conforming, with its first floor below base flood elevation. The new design moves the structure back and elevates the first floor. It will serve as a guest house for family with no cooking facilities and is not intended for boat storage.

Board Discussion: The board noted moving the structure out of the original flood zone, into a less significant flood zone, and is a significant improvement and that a special use permit,

not required five years ago, is now necessary. The Technical Review Committee (TRC) found the structure appropriate despite a floor ratio discrepancy.

No one spoke in favor or against the petition. The Board was in receipt of several letters from abutting property owners, all in support.

Conclusion:

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MR. BURKE: Mr. Chairman, I'm going to make two motions; one for the dimensional variance and one for the special use permit. I'm going to make a motion that we approve file ZBR-26-4, Joseph M. Brito, Jr. at 161 Poppasquash Road, to construct a 41' 2" x 44' 4" X 32' high structure that will require demolition of a non-conforming structure. The new structure will be moved out of the flood zone, which is an advantage. The dimensional variance that's required is due to the size of the building. This isn't being marketed as an ADU, it's strictly additional sleeping and living space for family and guests. So, I'm going to make a motion that we approve the size of the building at 41' 2" x 44' 4" X 32' high. This also requires a height variance. Because it does get free board relief, by right, the actual height allowed will be 26 feet, not 20. So, I make a motion that we approve the 6-foot variance for the resulting height for this design. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land, or the existing structure; and not due to the general characteristics of the surrounding area; and not due to an economic disability of the applicant. This new structure will replace and improve on the structure that is in place

now; both from a flood zone location and in compliance. The hardship is not the result of prior action of the applicant. The existing structure has been there before he acquired the property. 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. We heard testimony that this is on a parcel of 6 or 7 acres; we often allow and entertain variances for lots larger than the ordinance requirement for accessory structures. The hardship that will be suffered by the owner of the subject property if dimensional variance is not granted, would amount to more than a mere inconvenience. He would have to make a structure that didn't meet his needs or continue with a structure that now exists in the flood zone. For those reasons, I move that we approve.

MR. DUARTE: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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MR. BURKE: This application also requires a Special Use Permit, because it's a structure in this zone and it exceeds 25 feet. The structure itself will be 32 feet high. The TRC did review the compliance on the structure. They did note that

there is a discrepancy with the floor ratios; but they pointed out that that is due to the back, there's not first floor break-away. And that based on the intended use for this, it is appropriate; it meets the intent of the zoning ordinance. And that's a Finding. The Special Use Permit that applies to this is 28-150 (e)(e)(e); and the Finding of the TRC and this Board is that, except for that exception, it meets all of the requirements. The granting of the Special Use Permit 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 an accessory use for a residential property; the zoning ordinance and the comprehensive plan allows for both. I so move.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

5. ZBR-26-30
SARAH MILLER **169 Fatima Dr.: R-10**
Pl. 123, Lot 33

Dimensional Variance to construct an approximate 40' x 43' detached accessory dwelling unit (ADU) structure with less than the required front yard, and at a size greater than permitted for accessory structures in the Residential R-10 zoning District.

No one was present when called upon. Mr. Tanner stated he would contact them in the morning to determine why they were not present.

The Board held the application until the end of the meeting to see if they arrived.

6. ZBR-26-33
ANDREW TYSKA **26 Patricia Ann Dr.: R-15**
Pl. 55, Lot 129

Dimensional Variance to construct an approximate 12' x 23' sunroom addition to an existing single-family dwelling with less than the required rear yard.

Ms. Nikki Tyska presented the petition to the Board.

Project Overview: The applicant proposed constructing a 12 ft x 23 ft four-season sunroom on the rear of a single-family home, requiring an 11 ft dimensional variance for the rear yard setback (24 ft proposed vs. 35 ft required in an R-15 zone).

Ms. Tyska explained that her husband could not be present and would try to answer questions if she could. She explained they are doing landscaping work in the backyard, and this would just add some indoor/outdoor living, a four-season sunroom in the back.

The Board reviewed the Petition in detail

Discussion: The addition aligns with the existing building footprint. While there was uncertainty about prior variances, the board considered the request modest and consistent with the neighborhood, where many lots require relief for additions.

No one spoke in favor or against the Petition.

Conclusion:

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MR. BURKE: Mr. Chairman, I'm going to make a motion to approve file ZBR-26-33, Andrew Tyska at 26 Patricia Ann Drive to construct an approximate 12' x 23' sunroom addition to an existing home on the property, with less than the required rear yard. As we discussed and reviewed, the resulting structure will result in it being 24 feet from the rear property line; the

required setback is 35. So, the required relief is 11 feet of the rear yard. The purpose of this is to establish some protected outdoor living space, which currently, according to the testimony, does not exist. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure; and not due to the general characteristics of the surrounding area, and not due to an economic disability of the applicant. This is an R-15 zone and that neighborhood was all platted at the same time; they're all 15,000 square foot lots, and the homes were placed in a position to maximize the size of the homes. Therefore, any addition requires relief in that neighborhood. The hardship is not the result of prior action of the applicant. They didn't place the home there; they purchased it after it was built. 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. It's establishing additional residential use, which is certainly allowed in that residential zone. And this Board has allowed similar relief for several other properties in that area recently for similar requests. That the hardship that would be suffer by the owner of the subject property, if the dimensional variance is not granted, would amount to more than a mere inconvenience. They will not have adequate room and protection from the environment to enjoy the outside living space. For those reasons, I move that we approve this application.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

Mr. Asciola stepped down from the Board and Mr. Palmer sat on.

7. ZBR-26-37
DOUGLAS and PATRICIA GABLINSKE — **6 Knowlton Ct. : R-10**
Pl. 103, Lot 14

Dimensional Variances to construct a 16' x 30' pool house/cabana addition to an existing 22.2' x 22.2' accessory garage structure with less than the required front yard; and at a size greater than permitted for accessory structures in the R-10 zoning.

Mr. Douglas Gablinski presented the Petition to the Board and reviewed in detail the summary that was submitted with his application. The cabana will be attached to the east side of the garage structure.

Project Overview: The applicant proposed attaching a 16' x 30' pool cabana to an existing 22' x 22' accessory garage on a 2.71-acre lot with wetlands and expanded 75' buffers. Variances were requested for the front yard setback (up to 7' of relief) and for exceeding the permitted size for an accessory structure.

The Board noted two letters of support from abutting property owners at 5 Knowlton Court and 3 Knowlton Court, which had been submitted with the application. The Board also received one letter in opposition from Bristol Woods, which doesn't give a reason.

No one present spoke in favor or against the Petition.

Discussion: The board acknowledged site constraints, including the lot's L-shape, wetlands, and the front yard's orientation to a cul-de-sac.

Conclusion:

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MR. BRUM: I'll make a motion that we approve ZBR-26-37, we have found that the property has unique characteristics that distinguish it from a typical R-10 lot. The property is irregular shaped, L-shaped, and it has wetlands. The configuration in relation to the street results in an unusual zoning front yard condition. It should be noted that the property also, previously, had a Hope Street address and was subdivided by a previous owner and not by the applicant. The physical characteristics of the property itself are not the result of any action of the applicant and creates the need for relief in this case. And the relief that would be provided would be 7 feet of relief from the front yard setback for the construction of a 16' x 30' pool house addition to an existing 22' x 22' accessory structure; at greater than the permitted accessory structure for R-10 zoning. As stated previously, the lot is unique and given its zoning designation, it is probably one of the larger R-10 lots within the town. We find that the proposed accessory improvement is consistent with the residential character of the surrounding area. It will not alter the general characteristics of the neighborhood. Nor will it impair the intent or purpose of the zoning ordinance or the Comprehensive Plan of the Town of Bristol. Denial would be more than a mere inconvenience. And for those reasons, I so move.

MR. KERN: Second.

MR. BURKE: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. PALMER: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

Mr. Palmer stepped down and Mr. Asciola sat back on the Board.

8. ZBR-26-38
PAUL J. and MARYANN SALESI — **66 Collins St.: R-6**
Pl. 26, Lot 72

Dimensional Variance to construct a 20' x 41' accessory dwelling unit (ADU) addition to an existing 20' x 24' accessory garage structure at a size greater than permitted for accessory structures in the R-6 zoning district.

Mr. Paul Salesi, 249 Hope Street, unit 3, Bristol, presented the Petition to the Board. The ADU will be his and his wife's home and will be built on his niece's property, which has been in his wife's family for over 65 years ago. He addressed opposition from neighbors from 59 and 61 Garfield Ct., in regard to flooding issues in a letter submitted to the Board with the application.

Project Overview: The applicants sought to construct an 820 sq ft, single-story, one bedroom, one bathroom ADA-compliant Accessory Dwelling Unit (ADU) for aging-in-place, attached to an existing two-car garage, which will enable direct access from the garage into the ADU. The total length would be 65 feet. The applicants are relatives of the owner-occupant. The Board reviewed the plans in detail.

Mr. Stephen Scolamiero, 65 Collins St. spoke in favor. He is an engineer and did review the plans and feels that the plans really do blend into the area and does not take away from the surrounding area.

Mr. Nick Stefano 646 Wood street spoke in favor. After hearing the facts presented, he wanted to speak up for a fellow Bristolian and hopes he gets what he needs.

The Board noted the two letters of opposition that are in the packet.

No one spoke against the Petition.

Discussion: Board members expressed discomfort with the 65-foot length, though the builder cited winter conditions and wheelchair access needs for the attached design. It was noted that attaching the ADU to the main house could trigger different setback requirements. Opposition letters cited drainage concerns, which the board clarified fall under the building department's jurisdiction. The hardship was tied to disability accommodation needs. Both Mr. Marks and Mr. Tanner confirmed that it does fall under the ADA requirements; it's an owner-occupied home with a disabled family member, which means they do not have to have 20,000 square feet to qualify.

Conclusion:

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MR. BURKE: Mr. Chairman, I'll make a motion that we approve file ZBR-26-38 for Paul and MaryAnn Salesi at 66 Collins Street to construct a 20' x 41' accessory dwelling unit, which will be attached to an existing 20' x 24' accessory structure, resulting in a total building length of 65 feet. The applicant has demonstrated that they are allowed to construct an accessory structure. The property is currently owned by a niece of the applicant and it is owner-occupied. So, they meet the requirements for an ADU on a lot that is less than 20,000 square feet. 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 an economic disability of the applicant.

The applicant and subsequent testimony indicate that this structure will be used as a single-level living area for the relatives of the owner of the property. The hardship is not the result of prior action of the applicant. They merely are establishing the ability to construct and ADU on this subject property. 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. State Law and the Comprehensive plan and our ordinance allows for an ADU under the current circumstances presented by the applicant. 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. There will not be a seamless ability to park their vehicles and move into their living area without exposure to the elements. We also heard testimony that there is an abutting property almost completely on the property line, there is a building that is equal or exceeds the proposed structure in size. So once again, it will not change the characteristics of the neighborhood. For all those reasons, I move that we approve this application.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

SITTING AS BOARD OF REVIEW – NEW PETITIONS:

9. ZBR-26-39
KEITH N. JOHNSON **13.5 Smith St.: R-15**
Pl. 133, Lot 127

Special Use Permit to construct an approximate 32' x 62' single-family dwelling at a height greater than 25 feet above grade in the flood zone.

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MR. BURKE: I'm going to make a motion that we continue; that needs to be re-advertised. Continue that item to the November 2nd meeting.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

10. ZBR-26-40
LAURA ORRELL **4 Bay St.: R-6**
Pl. 12, Lot 36

Special Use Permit and Dimensional Variance to construct an approximate 26' x 34' single0family dwelling at a height greater than 25 feet above grade in the flood zone; and with less than the required front yard.

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MR. BURKE: Mr. Chairman, based on the request of the applicant, I'm going to make a motion that we continue that agenda item until November 2nd.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

11. ZBR-26-41
ANDREW MULVEY **6 Ansonia Avenue: R-10**
Pl. 44, Lot 85

Dimensional Variance to install approximately 40 linear feet of 8'-high cedar stockade fence along a portion of the rear property line.

Mr. Andrew Mulvey presented the Petition to the Board. He explained in detail the unique grade difference, which necessitates the need to install the 8-foot fencing, which will protect his young child from running through the yards and onto Metacom Avenue, in addition to privacy for his family.

Project Overview: The applicant requested a 2 ft height variance to install 40 linear feet of an 8-foot-high fence, where 6 feet is standard. The extra height was needed for privacy due to the higher elevation of the neighboring rental property.

No one spoke in favor or against the Petition.

Discussion: The neighbor had no objections. The hardship was deemed valid due to the unique grade difference, which would make a 6-foot fence effectively shorter from the neighbor's perspective.

Conclusion:

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MR. BURKE: Mr. Chairman, I'm going to make a motion that we approve file ZBR-26-41, Andrew Mulvey, 6 Ansonia Avenue to install a 40 linear feet of 8-foot high cedar stockade fence along the easterly property line, which is a third of the length of his property. The ordinance allows up to a 6-foot fence;

so, the relief granted is for the additional two feet. The hardship that from which the applicant seeks relief is due to the unique characteristics of the subject land, and not to the general characteristics of the surrounding area and not due to an economic disability of the applicant. We heard testimony and we have on file photographs that show the differential in grade between the easterly property and the applicant's, which a 6-foot fence, we heard testimony, would effectively result in a 4-foot fence when viewed over from the neighboring property. The hardship is not the result or prior action of the applicant. The topography differences existed when he purchased the property. 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. Fences are allowed, it's a minimal two-foot relief that's required because of the difference in grade and for privacy and safety for a young child. That the hardship that will be suffered, if the dimensional variance is not granted, will amount to more than a mere inconvenience; it actually would represent a safety issue. For all those reasons, I move that we approve this application.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

12. ZBR-26-42
JOHN J. BARKER, JR. **48 Cliff Dr.: R-10**
Pl. 62, Lot 73

Dimensional Variance to convert an existing accessory garage structure into a two-bedroom accessory dwelling unit (ADU) at a size greater than permitted relative to the size of the existing principal residential structure.

Mr. John J. Barker, Jr., 168 High Street, applicant, presented the Petition to the Board. Mr. Barker confirmed that he does not reside at 48 Cliff Drive, it is presently a rental property. This ADU would utilize the total area of the garage, both first and second floors. The ADU would also become a rental and would stay within the footprint of the existing garage.

The Board reviewed the requirements of ADU, per the legislation and noted that this ADU would be 200 square feet larger than what is allowed by right at 60% of the principal dwelling unit.

Mr. Tanner noted that this variance is different; it's not the size of the structure, the existing garage is staying the same in this proposal; it would just be renovated on the inside. The variance is for the size of the ADU, relative to the size of the main house, which is a one-story ranch. If it was a two-story house, they wouldn't require a variance. The ADU meets the limit, in that it's not larger than 1,200 square feet; but it is more than the 60%.

Mr. Burke noted that if the proposal was denied, the applicant could still have a second unit 600 square feet; 200 square feet less than the proposed application.

Project Overview: The owner requested a dimensional variance to convert an existing 800 sq ft, two-story garage into a two-bedroom ADU. The ordinance limits ADU size to 60% of the primary residence (600 sq ft), so a 200 sq ft variance was requested. The owner intended to rent both the main house and the ADU.

No one spoke in favor or against the Petition.

The Board reviewed the plans in detail with the applicant. Mr. Barker stated that the ADU is going to happen, whether he is able to utilize the second story for living space or just storage space.

Discussion: The board expressed concern about setting a precedent with two rental units on a single lot and questioned the hardship claim, noting that a compliant 600 sq ft ADU could be built without a variance. The hardship was described as economic and self-created, as the owner does not reside at the property.

Conclusion:

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MR. DUARTE: I'll make a motion to deny the dimensional variance ZBR-26-42, John J. Baker, Jr. Based on all the evidence presented to the Board of Review and the Board's knowledge and personal inspection of the area, we hereby find that the hardship from which the applicant seeks relief is not due to the unique characteristics of the subject land or structure or the general characteristics of the surrounding area. Therefore, it is due to an economic disability of the applicant, because, once again, the variance of a 20% increase in creating another rental unit in a residential area of single-family homes and knowledge of the variances that the Town of Bristol have been going forth and laws do apply. That the hardship is the result from prior action of the applicant, because the applicant is aware of, again, the restrictions from the variance perspective. And the surrounding areas of the actual property on Cliff Drive. That the granting of the requested

dimensional variance will alter the general characteristics of the surrounding area or will impair the intent or purpose of the zoning ordinance or the Comprehensive Plan of the Town of Bristol. Because, once again, he'll be creating two rental units in a residential area, with a variance of 20% greater than what is required. That the hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, will not amount to more than a mere inconvenience. Meaning that the relief sought for minimal and reasonable enjoyment of the use to which the property is proposed and be devoted. Again, there is no hardship that was really presented from an evidence perspective. The owner does not live in the main property there and or is seeking to get granted a variance for any other specific reason for a member of his family, and/or any other hardship that was not presented. Therefore, I move that the applicant's request for dimensional variance be denied.

MR. KERN: Second

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Denied)

13. ZBR-26-43
KATHLEEN KEATING & JOHN OLIVER
35 Burton St.: R-6
Pl. 15, Lot 73

Dimensional Variance to construct an approximate 18' x 19' accessory shed and bedroom structure within the footprint of a previously existing accessory shed structure, with less than the required right-side yard.

Attorney Joshua Slepkow presented the Petition to the Board on behalf of the applicants. He reviewed the request that has been approved by Historic District Commission and the Town signed off on the structure and a building permit was issued in May and work started over the summer.

The applicants sought a dimensional variance to rebuild an accessory shed/bedroom structure. The shed's east wall is on the property line and has historical non-conforming status. After a previous denial for a full demolition, the applicants obtained a permit to preserve the non-conforming wall while expanding outside the setback. However, foundation issues led to a near-total demolition and a stop-work order. All work has stopped at the site, other than securing the large open pit in the back yard. This request is for the same building and same location that was approved in May.

Mr. Slepkow asked that the Board take a good look at the evidence and determine if the shed has been demolished; if not he would ask that his clients be permitted to proceed with the building that has been there for many years, with an addition that complies within the zoning setback.

Mr. Slepkow reviewed the zoning ordinance sections in detail with the Board in regard to what determines demolition, standards for dimensional variance, and the circumstances of the

actual site conditions. The Board also spoke extensively on what they observed on the site upon reviewing it.

Mr. Marks stated that he would advise whether or not a demolition has taken place is not properly before the Zoning Board. There has been no appeal of the determination that there was a demolition. This entire application is for a variance. He advised the Board to avoid the issue of whether or not a demolition has taken place. This application says that the condition is now closer to a full demolition, and he assumed that the applicants wrote it. However, the Board should just focus on the variance, not go down a rabbit hole on whether a variance is required or not; just take the variance on its own merits without getting into the demolition.

Mr. Tanner stated he agreed that the building is gone and he made the determination that the building was demolished; so, they can either building something that complies and not be before the Board. They're choosing to come back to the Board and try to explain what happened and try to get their plan that they thought might work approved. From a zoning perspective, it's a clean slate.

Mr. Slepkow added that if the Board is not going to make a determination about whether a demolition occurred, he did feel that the testimony from the architecture and the contractor about what length went into to preserve the structure and attempt to comply with the Town's ordinances, because that does matter.

Mr. Dean Nadalin, 9 Church Street, President of Charles Millard, Inc., contractor explained in detail the site conditions and the existing shed that was on the site for well over a hundred years. He explained in detail what they tried to accomplish to comply with the 6-foot requirement for a determination of non-demolition of a structure.

Ms. Melissa Hutchinson, Architect, explained that she has been the architect since the project started and explained in detail that after doing some exploratory digging, they found that the existing foundation was not to code for the proposed construction. She also explained in detail the proposed location that is now proposed for the construction of the new shed.

The Board reviewed the plans in detail with Ms. Hutchinson. Mr. Tanner confirmed Mr. Burke's statement that the plan was to keep what was there and to rebuild, to keep what was in the setback, was to keep the structure that was in the setback and the balance of the shed outside of the setback. The shed was to have a pitched roof and that was going to stay until you got to the 6-foot line and then the roof pitch would go up higher. Mr. Tanner stated that he certainly felt there was some responsibility on his part for the confusion. After the denial he did go to the property owner and tried to come up with a solution. At that time, he felt that from previous applications the dormers on a garage addition, but as long as the new work was outside of the 6-foot setback, there was no variance needed. Obviously, this application is much different from that in hindsight, because nearly the entire building had to come down and should have realized it wasn't going to work and not issued the permit. They thought they had a plan that would work and he and the building inspector approved the building permit and it didn't work. He plans on working with the solicitor to work on the section of the ordinance dealing with demolition in the future.

Ms. Kathleen Keating, 35 Burton Street stated that they weren't trying to circumvent the law, they were trying to work within the law. They were very disappointed last September 2025 when their application was denied. In hindsight, she wished she had accepted the Board's kind offer of the 3-foot variance. She wasn't clear on how the procedures worked and they ended up losing what they had. She explained in detail what was suggested and what they did to make the

project work and save the original building. They have secured the area around the large pit in the back yard and hope to move forward with the project. There doesn't seem to be a clear determination of what demolition is. She explained in detail what was done to preserve as much of the building as possible. And again, explained that the backyard neighbor utilizes the shed as protection from her dog leaving the yard.

Discussion: The debate centered on whether the structure was "demolished," which would void its grandfathered status. The applicant's contractor and architect detailed efforts to preserve a portion of the wall. The abutter testified in support. The applicant, facing an unsafe pit in her yard, expressed willingness to accept a compromise of a three-foot setback, which was offered during the previous year's hearing. A board member admitted confusion in the permit issuance process and noted a need to formally define "demolition" in the town code.

Conclusion:

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MR. BURKE: Mr. Chairman, I'll make a motion that we approve ZBR-26-43, Kathleen Keating and John Oliver, 35 Burton Street to construct an approximately 18' x 19' accessory shed with a 3-foot variance, so the easterly quarter of the shed will be 3 feet from the existing property line, the existing easterly property line. And that motion applies to the plan as presented at the September 2025 review. 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. We heard testimony that there are constraints based on the existing dwelling unit and the width of the yard to prevent compliance with the full 6-foot setback.

The hardship is not the result of prior action of the applicant. They merely wish to expand the shed and put living quarters on the second level. 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. The three feet will be adequate for maintenance and separation from abutting property. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, would be more than a mere inconvenience; requiring the full 6-foot setback is not possible given the proximity to the dwelling unit and the width of the yard. I so move.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

14. ZBR-26-44
MICHAEL LANCASTER **5 Knowlton Ct.: R-10**
Pl. 103, Lot 88

Dimensional Variance to construct a 21' x 25' accessory pool cabana structure with greater than permitted lot coverage by structures.

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MR. BURKE: This also requires re-advertising and I'm going to make a motion we also continue that item to November 2nd.

MR. DUARTE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

15. ZBR-26-45
DOUGLAS KLEIN **3 Old Orchard Farm Rd.: R-10**
Pl. 100, Lot 131

Dimensional Variances to construct a 26' x 36' two-story accessory dwelling unit (ADU) structure at a height of 25 feet above grade and with a 6' x 26' front porch, at an overall size and height greater than permitted for accessory structures, and with less than the required front yard in the R-10 zone.

Mr. Douglas Klein, applicant, presented the petition to the Board and reviewed in detail both the history of the subject property and the proposed plans.

Project Overview: The applicant proposed a 26' x 36', two-story accessory garage dwelling unit (ADU) for his daughter's family on a 1.6-acre lot. The proposal required variances for size (exceeding 22'x24'), height (25' proposed vs. 20' limit), and a front yard setback.

Mr. Daniel Cordeiro, abutting property owner, spoke against the petition. He's been a contractor for over 50 years and in all those years he's never come before the town for any kind of variance. What Mr. Klein is proposing is a house, it's not an ADU. Mr. Klein stated that the trees between their property are 40 feet, they are not, they're arborvitae trees; so, the proposed second floor window will be looking right into his living room, being so close. He feels that there is so much property that there are other options. Put it in a different area where it won't interfere with the wetland that is at 75, not 50; it's 75 plus 5, so it's really 80 feet. The frontage was made for Mr. Klein's house, and the previous owner told him they made the road like that, so there would be no access to Old Orchard Farm Road. He then developed Liberty Lane, where he lives. There was a letter that asked for other variances, which he reviewed in detail. And the ordinance 28-142 states no building should be placed in the front yard. And the front porch

would be in the front yard. He feels there is no hardship involved. He also stated that the mailing list didn't seem complete to him.

Mr. David Vermilyea, 1 Liberty Lane, stated that his concerns had been discussed, the trees, what is considered side yard, back yard, side yard. And asked if the ADU is not allowed to be rented out at any point. Mr. Marks stated they are not allowed to be short-term rentals but can have long-term rentals. Mr. Vermilyea stated that then so in ten years or such it can be rented for whatever reason. If that's the case, he doesn't particularly care about it. It just seems there are a lot of ADU's going up and should be a huge concern for the Zoning Board.

Discussion: The applicant stated he did not wish to subdivide the lot, which lacked sufficient frontage to do so anyway. A discrepancy arose regarding the wetland's setback (50 ft on plans vs. a neighbor's claim of 75-80 ft). A neighboring contractor objected, arguing the structure was a full-sized house that would impact his privacy and that the hardship claim was weak given the multiple variances requested. The applicant clarified that DEM had reviewed wetland concerns. The board discussed the fact that they denied similar application about 60%; however, the Board did acknowledge the larger size of this parcel, approximately 1.5 acres.

Conclusion:

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MR. DUARTE: I'll make a motion to grant the dimensional variance for application ZBR-26-45, Douglas Klein, 3 Old Orchard Farm Road, Bristol, RI. 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 the economic disability of the applicant. Because, once again, the actual structure on the

land itself is kind of non-conforming in a nature, on which its structured on the property. Also, the requirement from a setback for DEM with the wetlands is an actual sub-category and not wetlands in its entirety. The hardship is not the result of prior action on the part of the applicant, because the applicant bought that house and developed land as is. That the granting of the requested dimensional variance will not alter the general characteristics of the surrounding area or impact the intent or purpose of the zoning ordinance or the Comprehensive Plan of the Town of Bristol, because the actual ADU that's going to be constructed fits in with the surrounding properties and does fit well with the surrounding neighborhood. 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, being that the relief sought is minimal to reasonable enjoyment of the permitted use of which the property is proposed to be devoted. Because, again, he's sitting on 1.5 acres of land, the property will be occupied by Mr. and Mrs. Klein, where his daughter and husband will be moving into the current house that they live in, hopefully sooner rather than later. So, therefore, I move that this dimensional variance be granted.

MR. BURKE: Before we vote, we brought up earlier that there may be a front yard setback issue. So, we either need to do a finding, I think, that there is not one, or we need to also grant a front yard dimensional variance. My

preference would be that we agree on what that number is. Can you tell us Mr. Tanner.

MR. TANNER: Yes, I think its about 12 feet.

MR. BURKE: So we should add a front yard variance.

MR. DUARTE: We also would grant him a front yard variance through this motion.

MR. BURKE: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

16. ZBR-26-46
JOSEPH A. MOTTA **635A Wood St.: R-10**
Pl. 6, Lot 25

Dimensional Variances to construct second and third floor additions to an existing 26' x 32' single-family dwelling with less than the required front yard and with less than the required left side yard.

Mr. Joseph Motta presented the petition to the Board. He explained that he has two small children and one on the way and needs more room for his growing family. He reviewed the plans as proposed. He will stay within the existing footprint, only going up and squaring off the second floor.

Project Overview: The applicant requested dimensional variances to construct second and third-floor additions above the existing footprint to accommodate a growing family, without expanding the nonconforming setbacks. Relief was needed for the front yard (3.5 ft) and left side yard (3.5 ft).

The Board reviewed the petition in detail. No one spoke in favor or against the petition.

Conclusion:

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MR. BURKE: Mr. Chairman, I'll make a motion to approve file ZBR-26-46, Joseph A. Motta, 635A Wood Street, to construct second and third floor additions to an existing 26' x 32' single-family dwelling, with less than the required front yard and less than the required left side yard. This is a non-conforming lot of record and because of that it has reduced setbacks. In the case of the front yard, the requirement is 15; the current structure sits 11.5 feet from the property line; so, 3.5 feet of relief. And on the left, on the southerly

property line, the requirement is 7.5, due to the reduced setback; and the current structure sits 4 feet from the property line, 3.5 in that dimensional also. The hardship from which the applicant seeks relief is due to the unique characteristics of the land and structure. The placement of the current single-family home is the same as what we're granting for relief for the addition. The footprint will not be expanded and the setbacks will not be diminished by the proposed construction. The hardship is not the result of prior action of the applicant. We heard testimony that he has a growing family, and the expansion is certainly necessary based on his description of what's happening. That 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. This is actually remaining a single-family home and it is actually pretty unique because of its small size, compared to neighboring properties. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience. He actually would be unable to do any expansion on this house, since it is already non-conforming on a non-conforming lot. For all those reasons, I make a motion that we approve this application.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

17. ADJOURNMENT:

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MR. BRUM: Motion to adjourn.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR.DUARTE: Aye.

MR. KERN: Aye.

MR. BRUM Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 10:54 P.M.)

RESPECTFULLY SUBMITTED,

Susan E. Andrade
Notary Public

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 14 SEPTEMBER 2026

Date Accepted: 11/2/26

Chairman: A A Burke, Vice Chairman