

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

04 NOVEMBER 2024
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. DAVID SIMOES
MR. DONALD S. KERN
MR. GEORGE D. DUARTE, JR., Alternate
MS. KIM TEVES, Alternate

ALSO PRESENT:

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

Susan E. Andrade
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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 Chairman Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

Chairman Asciola called for approval of the October 7, 2024 minutes

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MR. SIMOES: Mr. Chairman, I'll make a motion to approve the minutes of the October 7, 2024, meeting.

MR. BURKE: Second.

MR. ASCIOLA: All in favor:

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MS TEVES: Aye.

X X X X X X

(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

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Mr. Burke stated there is a narrative and it certainly sounds to him that either he lives there or is planning to live there. Mr. Balzano stated that he does not live there, and it is solely for his family. Mr. Burke asked the narrative states, “does not support our growing family” and asked what that mean. Mr. Balzano stated, as in his family. Mr. Balzano stated that he did see how it could be interpreted differently.

Mr. Burke stated that he is familiar with the property and recalls that there were problems with grandparents getting in and out of the house and why they needed the wrap around deck; but on the surface it looks like a good application, he was just confused by the memorandum and what the intent was.

Mr. Balzano stated that he does now see how that should be corrected.

Ms. Teves asked about the easement on the property. Mr. Balzano stated that looking at the house, it's 32 Vernon Avenue, looking at the front of the house, it's the house to the left. That property has a sewer line that comes across the property and connects to a manhole that is in his driveway. Also, 15 Tower Street, right behind the house, has a sewer line.

No one spoke in favor or against the Petition. Mr. Tanner confirmed the height would be measured to the top of the roof top railing in this case; however, this would still be under 35.

Mr. Tanner noted that this was one big lot that was in the Balzano family; it was subdivided with the Planning Board's approval. The house at 15 Tower, the house at 24 Vernon and the commercial building at 28 Vernon was all one lot. They came in to get them on to separate lots, because you couldn't even insure or get a mortgage. It's an R-20 zone, but it's a unique situation; that's why there are all the easements across everything, because it used to be all just a family one big lot.

The Board reviewed the plans in detail.

It was voted:

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MR. BURKE: Mr. Chairman, I'll make a motion that we approve file No. 2024-33, Nicholas Balzano d/b/a Zanno Real Estate, LLC, 24 Vernon Ave., to construct a 28' x 32' second story living area and a 16' x 16' roof deck addition to the existing single-family dwelling with less than the required front yard and less than the required left side yard on a corner lot. There is no front yard, because it's on Town property, so it doesn't need a setback requirement for that. It requires a 7' variance on the left side of the property line. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure and not to the general characteristics of the surrounding area and not due to an economic disability of the applicant. The house does have a documented history of how it sits; its actually on either on Town property and then enjoys an easement from the Town; so that they could add a wrap around porch and a stairway. The hardship is not the result of prior action of the applicant. The applicant did not build the house in that location. 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 particular neighborhood has many buildings that were constructed prior to the Zoning Ordinance being put into effect in the early 1960's and many are

nonconforming. 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. This relief will allow him to create a livable space for a larger family; its currently, the square footage is below that that can accommodate a family. I so move.

MS. TEVES: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MS. TEVES: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

**3. 2024-34
CONSTANCE LAFLAMME**

**70 Griswold Ave.: R-15
Pl. 163, Lot 3**

Dimensional Variances to install approximately 160 feet of 8' high stockade fence at a height greater than permitted with the front yard from Metacom Avenue.

Ms. Jessalyn Jarest, Professional Landscape Architect, 183 High St., Bristol presented the Petition to the Board for the applicant. Ms. Jarest explained that the property on Griswold also fronts on Metacom Avenue and there is a lot of noise coming off Metacom Avenue that is affecting her client, as well as the two neighbors next door to her. So, they are proposing to put a stockade fence that is larger than the 4 feet allowed in the setback; they would like 8 feet, so that they can help mitigate the noise for the three properties. The applicant bought the property approximately two years ago. They have not started to live there, because the house is under renovation. They do stay on the property in a camper when they are in town, so they are aware of the noise coming off Metacom Avenue.

The Board reviewed the plans submitted and aerial view and Ms. Jarest explained the three separate properties. Her client's property is oddly shaped, in that there is a small piece of it that has frontage on Metacom Avenue.

The fence is proposed to be 15 feet off the property line, so that they can plant on both sides, so they won't see the fence. The property line was determined to be about 25 feet from the roadway pavement; there is a swale between Metacom Avenue and the property line. Ms. Jarest confirmed they would place the fence 15 feet off the 25-foot property line setback, roughly 40 feet from the edge of pavement. They are also going before HDC for the stockade fence and the plantings would help hide the fence.

In response to Mr. Burke's questioning of the type of fence, Ms. Jarest explained they chose the stockade fence, because it's cheaper and when finished with plantings it will basically disappear and thought it was an appropriate solution. She confirmed that the proposal is to completely conceal the 8-foot fence. She explained the type of planting in detail with the Board, which will be at least 8-foot tall or higher. She also pointed out that stockade fences are the type of fences that run along Metacom Avenue and the proposal is to keep up with what exists.

Mr. Burke noted that the HDC will review the fencing materials.

In response to Mr. Kern questioning why 8 feet and not 6 feet, Ms. Jarest explained it is due to the trajectory of sound coming off of Metacom Avenue. Because the house is so much further away from Metacom, that the six feet is not going to supply the full coverage of sound.

Ms. Jarest also explained that some trees that were diseased and dying were also taken down, which has contributed to more noise. But they are trying to do right by the property and get rid of the trees that are causing an environmental hazard.

Ms. Cynthia Carol, 74 Griswold Avenue spoke in favor of the Petition. She pointed out that Metacom Avenue, for all intents and purposes, is close to the property, so by putting a 4-foot fence it wouldn't even be covering any of the noise; by putting a higher fence in and the rest of the greenery, which she has had some serious conversations with the applicant. The road height to the property has a significant drop off. When she built, they had to raise their land, because of the water table. So, they sit proud, the Maloney's sit proud and whoever develops next to her will sit up higher. There are no plans to develop the open land at this point. To try and mitigate the noise while all the vegetation is growing in, the idea of a stockade fence came into play. Having it be that height will help mitigate the noise while everything grows in. And, also, hopefully,

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protect that vegetation from the wildlife to some degree, so it has a chance to grow. As an abutter she's okay with the plan, as long as they go forward with the proposed plants.

DUE TO A MEDICAL DEVICE MALFUNCTION, MR. SIMOES STEPPED DOWN FROM THE BOARD AND MR. DUARTE SAT ON.

Mr. Burke read a letter in the record received from Mr. Brian McCormick, 26 Thomas Lane, Cranston, RI and owns property at 76 Griswold Avenue; in opposition to the Petition. His standing in this matter is based on the fact that he owns the land at 76 Griswold Avenue and because the existing Ordinance calls for a fence height to be capped at 4 feet, the request of an additional 4-feet of height is markedly excessive. Fence height dimensions were codified for valid reasons by the Zoning Board of Bristol, and he is sure noise mitigation and privacy were carefully considered by the Zoning Ordinance Committee before approval. He is familiar with the type of fencing that is being proposed, as he has one bordering another property of his. The composition of the fences makes them uneven and subsequently unsightly, especially at this excessive height. The primary reason for his investment in this area of Bristol was the pristine, peaceful, pastoral setting. This dramatic deviation from the existing Zoning Ordinance will upset that. He also wanted to forward his concern that this request will establish a perilous slippery slope precedent, as others can use the granting of this Petition to render the existing fence height regulation useless; and any denial of similar requests may open the Town of lawsuits, using the approval of this variance request as precedent.

Mr. Tanner confirmed that Mr. McCormick's lot is presently an open, buildable lot at this time.

Ms. Jarest explained that this piece of the property was not part of the original parcel; so because if the addition of this piece before they bought it, they are now required to have

two front yards. A 4-foot fence would definitely not be helpful in any way. She understands Zoning Codes are important; but this is more of a back yard as opposed to a front yard and it would be helpful to have a higher fence at this location. They also looked at a berm in this area, but they don't want to change the water flow in the area and cause larger issues by trapping water on either side.

Mr. Burke noted another property in the area that had tree loss due to hurricane damage, a variance was granted on the property line, and the Board was receptive to it; this proposal will be approximately 40-feet from the street line and the proposal is to make it invisible. He also mentioned that although it will be up to the HDC to decide the type of material he would rather see a vertical board.

After detailed discussion, it was voted:

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MR. BURKE: Mr. Chairman, I'm going to make a motion that we grant a Dimensional Variance for Contance Laflamme, property owner at 70 Griswold Avenue to construct an 8-foot-high stockade fence, 160 feet, which is technically in a front yard, where a 4-foot fence is allowed by right. 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. We heard testimony that this is a noise mitigation proposal, and the odd shape of the property makes it vulnerable to that noise. It's technically on Griswold Avenue and also because of the lot configuration, it also abuts Metacom Avenue. The hardship is not the result of prior action of the

applicant. They did not plot out this historic property. That the grating 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. Fences are allowed; what we're doing is merely allowing a variance to height. 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, meaning that it will minimize the reasonable enjoyment of the any use to which the property is proposed moving forward. We heard testimony that, and support from an abutter, that a four-foot fence would not achieve, or a six-foot fence, would not achieve the desired noise mitigation. I'd also like to add a condition to the motion, that on the Metacom side there will be maintained vegetation that would conceal the 8-foot fence. I so move.

MR. KERN: I'll second that.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MS. TEVES: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

story living area addition and a 30' x 30' garage and a corresponding mudroom addition to an existing single-family dwelling, with less than required front yard on a corner lot. The applicant is requesting a 20-foot setback; a corner lot in this zone requires a 35-foot setback; so the relief would be 15 feet. The garage structure that is the subject of the application is no further forward in the setback than the corresponding primary structure at this time. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and the structure and not to the general characteristics of the surrounding area, and not due to an economic disability of the applicant. The applicant is requesting to expand the home for more living space and to construct a two-stall garage for the storage of vehicles. The hardship is not the result of prior action of the applicant. We heard testimony and it was obvious in the package that this property was a recent purchase. 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. Garages are certainly allowed in the residential district and the configuration of this property after this application and the work is completed will be similar to other properties in the area. 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. If the 35-foot setback was required on Aaron Avenue there would really be no way to construct a garage and attach it to the primary structure. I so move.

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MR. KERN: I'll second that.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MS. TEVES: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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5. **2024-36**
DAVID L. WORTH

31 San Juan Dr.: R-8
Pl. 123, Lot 210

Dimensional Variances to construct a 20' x 24' garage and 6' x 16' breezeway addition to an existing single-family dwelling with less than the required front yard, less than the required right-side yard, and greater than permitted lot coverage by structures.

Mr. David Worth presented the Petition to the Board. He explained that he would like to build a garage, just looking for some extra space. Initially he was going to build a detached garage, which the Zoning allows at 6 feet from the property line. That would be 6 feet from the house. He has an eat-in kitchen, growing family. He was in the house for 20 years, got divorced, moved out, came back. It's a 1,200 square foot house for a 17-year-old, 14-year-old, got married again and there might be another child on the way eventually; if that happens 1,200 square feet with no dining room is a little tight. And he has a lot of stuff, a motorcycle, jet skis, the kids have quads, bicycles. There is no garage and nowhere to store his stuff. The attached garage would be 6' 8" if connected to the house. After Steve Murgio did the surveying of the land it will be 6' 8" from the side lot line.

Mr. Tanner stated that the survey was in front of the Board members; it was not in the original packet. There is an existing conditions survey without the garage and then a proposed survey with the garage.

In response to questioning, Mr. Worth explained that it would be a loft above the garage. He's not sure about down the road, if they do have another child in the future, it could become another bedroom. For now, it will be an open loft for storage.

Mr. Duarte noted that realistically the only reason he was before the Board is because he wants to attach the garage to the current structure. If it wasn't for the attachment, he wouldn't have to come before the Board. Mr. Worth stated he was correct.

Mr. Burke noted that it would also have to be six feet from the house, and it does look like it will be tight, but it will be six feet away. Mr. Worth stated that it will be exactly six feet, because the breezeway will be 6' x 16'.

Mr. Burke noted that the neighbor to the east is probably non-conforming, as it looks like they are in the side yard setback.

Mr. Asciola noted that Mr. Worth could build the garage 6 feet from the property line right now with no variance needed. Mr. Worth stated that he was aware of that, but he would love to have a dining room.

Mr. Worth stated that he does need the garage, so the garage is going to happen, its just a matter of whether or not the Board will allow him to have a dining room.

Mr. David Bernard, 37 San Juan Drive, spoke against the Petition. He stated that he also had possession of eight letters from the neighborhood that are opposed to the Petition, which he presented to the Board.

Mr. Bernard stated that he feels that anyone in the neighborhood that wants to build 6' 8" from the property line when attaching an addition to their house, where they require a 15-foot setback, should have to compromise to a setback much closer to that required zoning setback; or chose some different options to stay within the required zoning. Mr. Worth has different options. He himself built a two-car garage in his yard and he put it in the back corner, so he wouldn't encroach on his neighbors. Mr. Worth needs a garage, everybody should have a garage; but he wants to put the garage six feet from his fence; there's no need for that. He wants to attach

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it to the house, and he doesn't have the room. He's got a growing family, but he already has four bedrooms in his house, he's got a 21-foot boat and all the stuff he mentioned that's not going to fit in that garage. He could attach right to the house with the garage, eliminate that six-foot extension coming off the house and he could go off the back of the house and extend for the mudroom/dinning room; there are other options. They live in a nice spacious area; his father-in-law built this house in 1962, and it's been in the family ever since. He built his garage and his addition with a lot of sweat, blood and money. And they all have a nice spacious area, and the neighbors feel the same way; they should not be messing around with the 15 foot. Mr. Worth has a painted line on the grass six feet from his fence and he stepped back in the street and started looking at the paint and the fence and it made him feel like he was looking at his son's house in East Providence; because all the houses are closer together; the house values are lower, the taxes are lower; but that does not compete with living in beautiful Bristol. All the neighbors feel the same way; they don't want to be encroached like that. He has a lot of concerns about building 6' 8" from the lot line that is too close to each other and this is not a neighborhood footprint. At the other end of San Juan Drive, because they have a bend in the road, the lot size changes down there, because the radius of the road; so, some of their houses are closer together. But on his end they have the 100' x 80' lots; and they all have their space. Right now, between his house and Mr. Worth's house it's 39 feet. His house was built 7 ½' from the line; his father-in-law built it from day one. He guessed that back in the day they could do that. When he built his addition off of the back of the house, he took consideration of his neighbors; he didn't want to see one long wall going down the side of the house so he jogged it in like 14 inches, so it would look good. He feels that this will lower the price of his house, it might raise Mr. Worth's value, but it certainly is not going to do anything for him. He took some pictures from his deck in the morning; and he could

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see the guy on the next street between the houses; he stands on his deck and he can actually see him having coffee in the morning. Once this goes up that close, he's going to look from his deck down, like he's looking through a narrow alleyway. He again thinks there are other options where they could agree on and still get what they want. He's very concerned about drainage and stuff like that. He has two finished basements in his house, and he would hate to get water down there from runoff. They already have a problem after they redid the road; his next-door neighbor from rain, and not just from rain, when Mr. Worth washes his cars and his boats, the water comes down his driveway and ends up right in front of his driveway and his neighbor's driveway. So, if he does put up a garage, either way, he needs to put in some kind of a drainage system that's going to soak into a system and divert it somewhere; it can't just come out of the downspout and go into the road.

Mr. Asciola explained that the drainage plan is part of the building permit process.

Mr. Bernard stated that is a good thing, because when they redid the road the water doesn't make it to the catch basin. He was told to complain to the Town, but he felt he has a better chance of seeing God then getting that fixed. He talked to all the neighbors in the neighborhood, and they feel the same way. They have a beautiful neighborhood; and this is why they live there. If he wants a garage put it in the back or attach it to the house and eliminate that six-foot bump out; now he would be 12' 8" from the line and he could live with that; and he would be closer to the 15 feet. He questioned why they require the 15 feet, when it could just be said, hey, we don't need that anymore; he doesn't think its fair. He knows the Board have their reasons and he understands there's hardship. Mr. Worth just got married and he might have another child; he has four bedrooms in that house already. And he knows that upstairs is going to become the master bedroom. He doesn't blame him; he would be foolish not to; it's going to be twice the size of what

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they sleep in now; its got the same pitch of the roof. Another thing is that he did take some pictures of the sun setting last night; and it shows just from the pitch of his main roof now; because his house is there and he wants to build the breezeway and then do the garage 23 feet high; when that sun comes around he won't get any sun on his windows on the side of his house from this time of the year from like 3:00 to sunset. He's still going to have that problem if he goes closer, but its going to be a hell of a lot better at 12' 8" than it will at 6 feet. He feels that if he has options, he has to have some respect for the neighbors.

Mr. Asciola asked that Mr. Bernard realized that he's allowed to put a garage 6 feet from the line. Mr. Bernard stated that he knows he's going to do it; let him do what he can do, he doesn't want him to be able to do what he can't do. If he puts the garage in now not attached, he can't come back and say he wants to attach it, can he? Mr. Burke stated that unfortunately its quite usual that people will come in after they purchase the property; so they didn't get the initial variance, therefore, they didn't create the hardship and they will come in and request a variance and it can be granted.

Mr. Bernard stated that then it's a win win for the applicant. Mr. Burke stated that he would have to come before the Board and explain again why he wants it attached. Mr. Bernard stated that he just explained it now, he wants to build it without the 15 feet; so you can build it with the six feet and then get it attached later. Mr. Burke stated that it does happen. Mr. Bernard stated he was not happy with that and figured there isn't much he can do. Mr. Burke stated that the Board will discuss it.

Mr. Bernard stated that he also has the lot coverage issue.

Mr. Duarte stated that the Board does take into account the concerns of the neighbors; but Mr. Worth does have the right to build the garage six feet off the property line if its

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not attached. So, the concern of the structure being six feet off the property, again, unfortunately, they can do that. Mr. Bernard stated that he understands that, as long as he can't attach it later.

Ms. Teves stated she had one question for Mr. Bernard. She asked if the applicant is capable and able of building the garage six feet off the property, with no issue; what is the bother of him attaching it to the house?

Mr. Bernard stated that the bother is that if they want to attach it now, he needs 15 feet; that's just not right.

Ms. Teves again asked if a year goes down the road and all of a sudden again, the family is growing or whatever choice it is, and they come before the Board and asks to be able to attach it to add more space. The garage is already there and existing on the property line, and from what she was hearing, Mr. Bernard's concern is that Mr. Worth is on the property line; so, what is the issue of the attachment for him?

Mr. Bernard stated that because he can't say anything about going six feet from the fence; but he should have something to say about it being attached later. He's in front of the Board right now and that's what he wants to do; but he doesn't have the footage. It bothers him because, yes, he could put it up six feet from the line right now; and it's going to bother him because down the road when he comes back the Board is going to feel bad for him and let him attach it to the house. When right now the Board should say either attach it now and you know compromise; or build it six feet, and you can't attach it. Because if the Board doesn't look at it that way it's all not right. If the Board members were living there, how would they feel.

Mr. Burke stated that he understood what Mr. Bernard was saying, but he was asking the Board to commit to a potential future event and the outcome of it and what he thinks what the Board is saying is that they can't do that. They can't tell you the composition of the

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Board will be such that people will remember what happened and that's the issue, he's asking the Board to commit not to do something in the future and they can't commit to that.

Mr. Bernard stated that he understood, but the Board will look back at the minutes of this meeting and say wait a minute and say we talked about this that day; this will be history.

Mr. Asciola explained that if the applicant came back again, there would be a note in the notes saying that he came in on such and such a date, it's not just past history.

Mr. Bernard stated that if they all came back and he said let's look at the minutes of this meeting there would be a record. Mr. Asciola stated that there would be a record of it.

Mr. Bernard stated that the way they were discussing that there was only six feet for the breezeway, it sounded like they felt bad about that. Mr. Burke stated that what they were looking at was that the size of the garage would dictate whether or not it could be six feet from the property line and six feet from the primary structure. If the garage was too large, he would have to decrease the size of the garage. Mr. Bernard apologized; he misunderstood.

Mr. Burke stated that his observation is that Mr. Bernard doesn't really want a garage next to his house. Mr. Bernard stated it was not that close; he could have the garage and upstairs and just put the other room off the back. Mr. Burke stated that Mr. Bernard would prefer it to be somewhere else, other than where the applicant wants to locate it.

Mr. Burke commented on the eight letters that were submitted as Exhibit No. 1. He believes they're all from legitimate abutters, but he wouldn't be held to that, it looks like they are all the same letters; it's a form letter, which he read into the record. However, the letter certainly applies to Mr. Bernard, but he's not so sure it applies to the location of everybody. That would be his observation, but there are eight letters and they're all signed by what looks like legitimate abutters. The eight letters were entered as EXHIBIT No. 1.

Mr. Duarte noted that Mr. Worth has the right to build the garage six feet from the property line; so that's going to go up, regardless. The only reason he came before the Board was to seek the variance to connect the garage to the primary residence. So, if he didn't want to do that he didn't even have to come to Zoning. He's actually being very forthcoming; and he just wants to make sure that everybody is clear that that's the intention.

Mr. Burke stated that there is another alternative, they really don't like people coming in and objecting; that's the process of course, but it's really great if people could talk to each other and work something out. Mr. Bernard stated they didn't really talk because he never came over to show him what he was doing.

Mr. Worth stated that there are no hard feelings, he lived there for 20 years, and he did speak to Mr. Bernard about it. He didn't have the plans complete yet because the architect was reconfiguring the plans, because the initial plans were to make it detached and then when he had a conversation with Mr. Tanner, they had a conversation about attaching it and not going down the road trying to pull the wool over anyone's eyes, because he would eventually want to make a dining room. He's still waiting to see if the cost is going to be appropriate to do it. Who knows, it may only be a detached garage at the end of the day, but he wants to be prepared, so that if he can afford it, he can attach it. He wanted no hard feelings, but back in 2003 when Mr. Bernard came to the Zoning Board to get his variance, side setback and rear setback, the Zoning Board did approve the addition and setback variances. He would be remised if he didn't mention that the lot coverage variance has to be over, because Mr. Bernard has a lot of really nice structures; a two-car garage at the back, a one-car garage attached to his house. His house is 2,100 square feet, it's almost double the size of his house on the same R-8 lot. So, he has the right to speak up, not trying

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to make it awkward, they have to live next to one and other. But he needs the space, just like Mr. Bernard needed the space.

Mr. Kern was reviewing the plans, and it was noted that with the requirements, the plans as submitted will just fit on to the lot.

Mr. Tanner stated that as a detached garage the maximum height is 20 feet; connected to the house it's part of the principal structure it's 35 feet. If he builds a detached garage, he cannot go higher than 20 feet without a variance.

Mr. Burke stated that the Board knows he doesn't like things close to the property line and if its attached it should be 15 feet. In practical terms, if the applicant were to build a conforming garage, in his opinion its going to be the same to the abutters than whether its attached or unattached. So, it comes down to do they grant the variance because they'll allow it to be attached.

Mr. Asciola stated he thought it would be the same outcome; either way he does it, there will be the same structure on the side of the house.

Mr. Duarte, stated it's not going to impact any more.

Ms. Teves stated that's what she was trying to say earlier also.

Mr. Worth stated that he does not plan to cut corners on this project and in his view, it will only increase property values.

Mr. Asciola again explained that if he is allowed to attach it, it will be 8 inches further away than if he builds the garage six feet from the property line.

Ms. Teves stated that was her point earlier, she was just trying to clarify that that's what it's going to be; there would be no opposition, its just that's what its going to be, whether the Board likes it or not.

Mr. Asciola stated, so that in saying that, why would they allow the extra space.

Mr. Bernard again stated that if allowed it's going to raise Mr. Worth's value immensely and it's not going to do anything for his house. People are going to go over to his house and say his house is worth mid \$600,000 and they'll say they're going to pay \$600,000 when this guy is so close. Mr. Asciola noted that Mr. Bernard's house is only 7 feet from the property line also.

Mr. Burke stated that they should discuss the lot coverage, which includes an above-ground pool. Sometime the pool isn't considered, based on consult with the Principal Planner and Zoning Enforcement Officer and he recommended that they include, though they are providing a variance of lot coverage; versus making a Finding that says that the above ground pool isn't subject to that.

Mr. Tanner stated that he calculated the lot coverage and it's similar to what the applicant came up with, 28% to 29%; but that includes the square footage of the 24'-round pool. Technically, an above ground pool is a structure, it requires a building permit, and he thinks it counts towards lot coverage. An argument can be made that they come and go, but they usually stay for a while. Mr. Burke stated that he just recommends that the address it in the motion.

It was voted:

X X X X X X

MS. TEVES: I'm going to make a motion to grant a Dimensional Variance based on all the evidence presented to the Zoning Board of Review and the Board's knowledge and personal inspection of the area and that the Zoning Board of Review hereby finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not

to the general characteristics of the surrounding area and not due to an economic disability of the applicant, because based on what the applicant is looking to do, which is to construct a 20' x 24' garage and 6' x 16' breezeway addition to an existing single-family dwelling with less than the required front yard, less than required right side yard and greater than permitted lot coverage by structures. He is allowed to build a garage within six feet of the abutting property, as stated, and is looking to seek some relief in order to allow himself to not only build the garage but attach the property with an existing structure. That the hardship is not the result of prior action of the applicant, because the applicant is seeking relief because he is looking... he has a family that is growing, he needs the additional space, he needs the garage for all of his personal belongings and he will not just benefit, but be able to provide his family the relief that he needs in order to be able to sustainably live in that property. 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, because it is something that he intends to use that is within reason and actually will increase the value of his property, but also be purpose to him and his family and allow him to be able to remain in that property and grow his family and work within the best intent of which we are able to afford him with giving him relief on the right side yard and the greater permitted lot coverage by structure. That 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, meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted, because, like I said, he has a growing family and is looking to build a garage rather than just renting. Having the ability to build a garage within six feet of the abutting property, we're giving him some relief to put the garage up and attach it to the property so that he can afford him and his family the ability to stay within that property and have normal enjoyment. Therefore, I move that this Dimensional Variance, as well as the Variance for lot coverage, be granted.

MR. DUARTE: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Nay.

MS. TEVES: Aye.

X X X X X X

(THE MOTION WAS APPROVED 4-1)

(Petition Granted)

04 NOVEMBER 2024

6. REQUEST FOR EXTENSION OF VARIANCE APPROVAL:

2022-13 – 159 Poppasquash Road

X X X X X X

MR. BURKE: I'd like to make a motion that we extend the approval for one year.

MR. KERN: I second that.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MS. TEVES: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Extension Granted)

04 NOVEMBER 2024

7. PROPOSED 2025 ZONING BOARD CALENDAR REVIEW:

Mr. Tanner asked that Board members review the proposed 2025 Zoning Board meeting calendar. Mr. Burke made the suggestion that they move the July meeting to the middle and Mr. Tanner will take care of that. Mr. Tanner stated that will be moved to the second Monday, July 14th.

04 NOVEMBER 2024

8. ADJOURNMENT:

X X X X X X

MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. BURKE: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. DUARTE: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MS. TEVES: Aye.

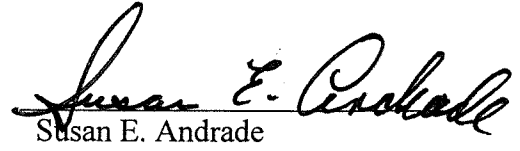
X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:32 P.M.)

04 NOVEMBER 2024

RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 04 NOVEMBER 2024

Date Accepted: 1-6-25

Chairman: 