

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

02 JANUARY 2024
7:21 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. TONY BRUM
MR. DONALD S. KERN

ALSO PRESENT:

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

Susan E. Andrade
91 Sherry Ave.
Bristol, RI 02809
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 7:21 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 November 6, 2023, and December 4, 2023.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion to approve the minutes of November 6th and December 4th as written.

MR. KERN: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were accepted)

CONTINUED PETITIONS

**2. 2023-27
ROBERT M. KREFT**

**22 Wall St.: R-6
Pl. 33 Lot 17**

Dimensional Variances to construct a 40' x 42' accessory garage structure at a size and height greater than permitted for accessory structures, and with greater than permitted lot coverage by structures in in the R-6 zoning district.

Chairman Asciola explained that Mr. Kreft was not present.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion to continue this application, 2023-27, to our February 5th meeting.

MR. TANNER: And I will contact the applicant to let him know that this has been continued.

MR. ASCIOLA: Okay, can I have a second?

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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NEW PETITIONS:

3. 2024-01

THOMAS A. and LEE H. DAWSON

15 Burton St.: R-6

Pl. 15 Lot 79

Dimensional Variance to construct an 18' 8" x 24' two-story living area addition to the rear of an existing single-family dwelling with less than the required left side yard.

Chairman Asciola explained that the Board did not have a quorum to proceed at this meeting.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion to continue application 2024-01, Thomas A. and Lee H. Dawson, 15 Burton Street, to the February 5th Zoning Board meeting.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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4. **2024-02**
ANTHONY and KELLI ANN BARO

1090 Hope St.: R-10
Pl. 118 Lot 58

Dimensional Variance to construct a 22.25' x 22.25' garage and approximate 12' x 12' breezeway addition to an existing single-family dwelling with less than the required right-side yard.

Mr. and Mrs. Baro presented the Petition to the Board. Mr. Burke noted that he and Mr. Baro worked together in the past, they do not presently work together, and he did not have any conflict and would sit on the application.

Mrs. Baro explained that they would like to build a garage because they have a very old deck, which they want to remove. Since they need to take the deck down and the fact that they are getting older, they would like to construct a garage with an attached breezeway, to have a covered walk-in area for them and their guests entering the house. They would also include a sitting area behind the garage with a roof for shade. Currently they have to put up four umbrellas on the deck to try to have shade on the deck. The side yard where they would construct the garage is a very steep hill; so, they would like to go six feet off of the neighbor at 1100 Hope Street. This neighbor has sent a text which was shown to the Board and will be submitted later to Mr. Tanner, who is in favor of the request. They hired an architect to draw up the plans, not only for themselves for a safe place; because their existing driveway is very difficult to maneuver, which she described in detail. They also considered the neighbors in their proposed design, especially the neighbor in the rear that has headlights shining into their windows when anyone pulls into the driveway, due to the slope of the land. And again, described the safety issue of pulling in and out of the existing driveway onto Hope Street in detail. The proposed plans would also allow privacy for both them and their neighbors.

Mr. Baros explained that they would like to have a garage for two vehicles, and they would be able to come out of the garage and then face forward to enter Hope Street, instead of trying to back out onto the main road. He also explained that the area they are requesting the variance for is really not practically useable, due to the severe slope of the land.

The Board reviewed the Petition in detail with the applicants. In response to questioning by the Board, it was noted that the sitting area will be at least 12 feet from the property line. Mr. Tanner noted that the plans look to show the garage itself is 22 feet 3 inches wide. So, looking at the plans, the sitting area looks like it will be 16 to 17 feet from the property line. They also explained that less than 12 feet in the breezeway would make a very dark tight entrance into the home, and this would lead onto the outdoor sitting area.

Mr. John Halaburda, 1100 Hope Street, spoke in favor of the Petition. He stated that the Baros are the greatest neighbors, they keep their house up, they're a credit to the street and he understands where they're coming from and thinks they have gone out of their way to accommodate all the neighbors. All of the neighbors he has spoken to are all in favor.

Mr. Burke noted that having driven around the neighborhood he noticed that there are many homes of that era that may not have had garages when they were first built, but out of necessity they have been built and the Board has reviewed and given variances to do so. He thinks it's a very reasonable request and reviewing the plans there really is no other way to affect a two-car garage and the breezeway.

X X X X X X

MR. BURKE: Mr. Chairman, I'll make a motion to approve application number 2023-02, Anthony and Kelli Ann Baro, 1090 Hope Street, to construct a 22.25' x 22.25' garage and a 12' x 22' breezeway to an existing single-family

dwelling. This requires a variance of 9 feet; our R-10 code requires a side yard of 15 feet and the proposed construction will be within 6 feet of the northerly abutting property. 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 to an economic disability of the applicant. The home was constructed, as we've heard testimony, in the 1970's, it's on a significant slope on the available side of the primary structure. The hardship is not the result of any prior action of the applicant. They acquired the house from family members. The granting of the required variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of this Chapter or the Comprehensive Plan of the Town. It's a residential use in a residential zone. I guess that's it for the new Standards. I so move.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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5. **2024-03**
JONATHAN and MIRANDA TRAHAN

454 Poppasquash Rd.: R-80
Pl. 174 Lot 74

Dimensional Variance to construct a new single-family dwelling with less than the required left side yard.

Mr. Jonathan Trahan presented the Petition of the Board. He explained that his wife and he would like to build a single-family structure on this plot of land. The land itself has a 40-foot-wide easement going down the south side of the property. 20 feet abuts their property and then 40 feet out goes out to the stone wall. So, basically, originally this property was a six-acre property, but that whole property has maintained this easement and it's really never been used by anybody. He believes it was originally there for farming purposes a very long time ago for the tip of the Peninsula and it was just never put in use. The reason they are asking for the variance on the south side is they are trying to center the actual structure between the north side structure and the south side.

The Board discussed the right-of-way and Mr. Trahan confirmed that one cannot really tell where it is and it looks like it's part of the property. Mr. Burke noted that everyone within 300 feet received notice and it would be people who would have an interest, and no one has stated that they object because they need that right-of-way. When asked who actually owns that piece, Mr. Tanner explained that he recalls that when the lot was subdivided out in 2017, the Planning Board reviewed it all and his memory is that this is an old right-of-way. And the people who have the right to use it are the heirs of the different lot owners and would be an extensive title exam.

The variance wouldn't deny them the use of it, it would just be that the proposed new structure is going to be closer to it. Mr. Tanner stated that technically the right-of-way is a

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separate sliver of land, it's not technically on this parcel. This parcel has its 150 feet of lot with, it conforms to zoning and it received Planning Board approval when it was created. The applicant is just asking to go into the setback, not into the right-of-way.

Mr. Burke noted that it does make sense to center it as proposed, versus putting it closer to the norther line.

Mr. Tanner stated that a portion of the structure on that side is a screened porch area, which is lower than the main part of the house.

No one spoke in favor or against the Petition.

The Board reviewed the plans in detail during discussion.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve application number 2024-03, Jonathan and Miranda Trahan, 454 Poppasquash Road, to construct a single-family home with less than the required left-side yard. In an R-80 zone there is a 25-foot side yard required; the proposed development will come within 12 feet of the property line. But it also abuts a 40-foot what is described as a currently underutilized or unused right-of-way. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land. In order to center this structure so that it fits in with the other two existing structures relief is needed. The hardship is not the result of any prior action of the applicant. This lot was subdivided and plotted, and the applicant subsequently acquired the property. The granting of the requested variance will not alter the general characteristics of the surrounding area or impair the intent of purpose of

the Chapter or the Comprehensive Plan of the Town. It's a proposed residential use in a residential R-80 zone. And, in fact, allowing this relief will complement the existing neighborhood. In granting this Dimensional relief, the hardship, should it not be granted, would be more than a mere inconvenience. The proposed structure would have to be placed in a very awkward position, based on the existing structures to the north and south.

I so move.

MR. KERN: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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6. CORRESPONDENCE:

Memorandum from zoning officer regarding recently adopted amendments to zoning ordinance.

A short discussion was held on the changes. Mr. Skwirz explained that the main changes were the Standards, the least relief necessary and not primarily for financial gain; are now gone and do not need to be addressed when considering applications.

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7. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. BRUM: Second

MR. ASCIOLA: All in favor?

MR. BRUM: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BURKE: Aye.

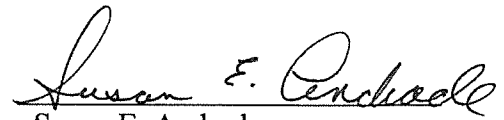
X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:07 P.M.)

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RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 02 JANUARY 2024

Date Accepted: 2-5-24
Chairman: 