

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

14 NOVEMBER 2022
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

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

ALSO PRESENT:

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

Susan E. Andrade
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Bristol, RI 02809
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INDEX

Page

1. Approval of minutes:

03 OCTOBER 2022.....	3
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CONTINUED PETITIONS:

2. 2022-31 – Petition of Frederick T. & Patti A. Nenna.....	4
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NEW PETITIONS:

3. 2022-33 – Petition of Dianne Baird.....	6
4. 2022-34 – Petition of Wendy Kalif.....	9
5. 2022-35 – Petition of Edward N. & Donna M. Cabral.....	10
6. Adjournment.....	16

14 NOVEMBER 2022

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:

03 OCTOBER 2022

Chairman Asciola called for approval of the October 3, 2022, meeting.

MR. SIMOES: Mr. Chairman, I 'll make a motion that we approve the October 3, 2022 minutes, as printed.

MR. TIPTON: I'll second that motion

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. BRUM : Aye.

MR. KERN: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes approved)

14 NOVEMBER 2022

CONTINUED:

2. 2022-31

FREDERICK T. & PATTI A. NENNA

**12 Greg Dr: R-15
Pl. 86, Lot 42**

Dimensional Variance to install approximately 24 linear feet of six-foot-high privacy fencing a height greater than permitted in the front yard on a corner lot.

Mr. Frederick Nenna explained that he would like to install the fence for privacy in his yard. It would have an "L" shaped design consisting of six-foot-high wooden privacy fencing. The fence is intended to replace evergreen trees that were recently removed from the area, westerly toward Gregg Drive, with the help of the abutting property owner. He proposes to install 16 feet of fencing parallel with Jameson Drive at a distance of approximately 15 feet from the Jameson Drive property line. An additional eight feet of fencing would run northerly parallel with and approximately six feet from the easterly rear property line.

Mr. Tanner stated that this is an R-15 zone, so technically 35 feet in from Jameson Drive is the front yard setback from Jameson; so, he would say the whole fence needs a variance, its all within the setbacks. Mr., Nenna stated that he didn't realize that a corner lot has two front yards, but now understands.

No one spoke in favor or against the Petition.

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MR. SIMOES: Mr. Chairman, I'd like to make a motion that we grant the applicant of file number 2022-31 on 12 Greg Drive. It will be an "L" shaped six-foot fence. On the east side, it will be 6 feet from the property line and an 8-foot section, 8 feet long. And on the south side, which is along Jameson Drive, it will be 15 feet from the Town property; and that one will be 16

feet long. The hardship is that it will give him some privacy, because he's right on the side of the road, people can look in; and they would like to have some privacy. And by granting this dimensional variance, it will not alter the characteristics of the surrounding area or impair the Comprehensive Plan of the Town of Bristol. And it's the least relief necessary. That's my motion.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BRUM: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. TIPTON: Aye.

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition granted)

14 NOVEMBER 2022

NEW PETITIONS:

3. 2022-33

DIANNE BAIRD

**40 Everett Ave:R-10
Pl. 122, Lot 63**

Dimensional Variance to construct a 14' x 20.5' single-story living area addition to an existing single-family dwelling with less than the required front yard.

Ms. Diane Baird presented her Petition to the Board. She explained that she is planning on making a second bedroom. At this time, she has one very small bedroom and no closets in the house. She would like to have a second bedroom to accommodate family when they visit, and it will give her a more comfortable living space.

The Board reviewed the Petition in detail. Mr. Tanner noted that this is for a front yard variance only, it appears to conform to the sides, rear and lot coverage. Because the house is skewed on an angle it gets a little closer to the lot line as it goes down to 22 feet to the lot line.

Mr. Mike Bouffard, 37 Everett Ave, abutting property owner stated he lives across the street. He and his wife understand about having more space. They moved into their house a little over a year ago. The number one reason they bought the house is that they have a view of the water. When they came in for the open house, walked in and looked out the windows and realized they had to live there. They were looking for a water view, never thought it would happen, so it was like a dream come true. He presented photos of what their present view is. He stated that what they were asking for is that there is a big tree and two small trees and thought she might possibly take them down.

Ms. Baird stated that the reason for the trees is for shade, because there used to be a huge maple tree right in the middle of that lot and it created a nice shade area and she didn't need air conditioning; so she's just trying to replicate that.

Mr. Bouffard stated that between the trees and the addition, they are going to lose what was made it great for them to live there. They have done many projects on their house and was hoping it was their forever home and they were looking for a compromise.

The Board reviewed the photos in detail, explained that a view is not a guarantee, and that this would be a very modest addition, only one-story living addition, in line with the roofline of the existing house, it's not obtrusive and in conformance with all the lot lines except the front. The Board also reviewed the other properties in the area in detail.

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MR. BRUM: Mr. Chairman, I'll make a motion to approve file number 2022-33, the applicant is Diane Baird, is seeking a dimensional variance for relief to construct a 15' x 20.5' single-story living area addition, to an existing single-family dwelling, with less than the required front yard setback. The zoning district of the applicant is an R-10 zone, which would require a 30-foot front yard setback. The applicant is requesting relief of 7' 10". The relief is required, given the exiting placement of the property on the lot. In addition to any of the front portion of the existing dwelling would create a need for relief, given that the southwestern property line... southwestern corner of the house is already within the 30-foot front yard setback. As the applicant stated in her application that the property belonged to her deceased husband's family and it was in the family since 1924; so, its clear that the applicant did not create the situation. And does stand to be more than merely inconvenienced if this Board were not to grant relief, given that the existing dwelling is a one-bedroom dwelling, which is a

very modest sized dwelling, given that most properties in Bristol are two- and three-bedroom dwellings. Most of the surrounding dwellings has more than one bedroom. I deem the applicant stands to see no immediate finance gain by this addition, as it will be solely used as a bedroom to add to the living space of the home. And for these reasons, I make a motion that we approve file number 2022-33.

MR. TIETZ: It shouldn't be that it's not immediate financial gain. The Finding would be that it is not primarily for financial gain; that's the legal Standard.

MR. BRUM: If I could correct the motion, that it would not be primarily for financial gain.

MR. SIMOES: I'll second that.

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MR. ASCIOLA: All in favor?

MR. BRUM: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. TIPTON: Aye.

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

14 NOVEMBER 2022

4. **2022-34**
 WENDY KALIF

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

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

Chairman Asciola stated that the Petitioner had requested a continuance until the January meeting.

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MR. KERN: Mr. Chairman, I'll make a motion to continue Petition 2022-34 to the January 2023 meeting.

MR. TIPTON: I'll second.

MR. ASCIOLA: All in favor?

MR. BRUM: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. TIPTON: Aye.

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

5. 2022-35

EDWARD N. & DONNA M. CABRAL

**67 Mulberry Rd.: R-20
Plat 70, Lot 56**

Dimensional Variance to construct an approximate 350 square foot single-story garage addition; and approximately 135 square feet of covered patio addition, with less than the required front yards on a corner lot.

Mr. Ed Cabral presented his petition to the Board. Mr. Cabral stated they purchased the home at 67 Mulberry Road in July and, as one can see from the photos, it is a total rehab. It's been sitting for a long time and it is a re-built. They presently live on Ferry Road and this property will be their retirement home and downsizing. They went through the process of having the plans made, the site surveyed and spent some time with the Planning Department working through the process to make sure the house will fit into the neighborhood well, not to create any issue or problems, as they want to be the rest of their time. They thought that they didn't have any issues with the offsets, but then they found out that on a corner lot, and it needs 35 feet on each front yard. On the West side they have 20 feet from the east side and 30 feet from the back. He reviewed the modifications in detail with the Board and explained the bump out in the back of the 1,100 square foot house. They are trying to make it a livable home for both his wife and him and then one extra bedroom for company. The garage is a single-stall garage, small garage. There is a bulkhead in the back that will be removed, and stairs created coming in from the garage, which means he will lose some space, so he would like to create a two-car garage; so they have no on-street parking. The design was for 10 additional feet, but after reviewing it with Planning, they changed that to 8 feet on the extension for the two-car garage, which get them 28.8' to the boundary line, as opposed to 35'. The frontage is pretty much the same, because the bump out on the west side of the house already comes out 5 feet.

14 NOVEMBER 2022

They're only building out the garage to match it, so the house is inset, and the two gables pop out. The back maintains its 35-foot setback. On the East side, there's currently 34 feet and they are not touching that at all. The ask is to add the two-car garage and by adding the second stall they would go to 28' 8". He confirmed that the variance is basically for the garage.

The Board reviewed the plans in detail.

Mr. Cabral stated that he was not aware of any correspondence the Board may have received on this matter.

Mr. Tanner stated that the neighbor's primary concerns in the correspondence are related to the layout of the garage doors facing the side street, rather than Mulberry. Mr. Tanner asked that they have a driveway on Mulberry at this time, and it really doesn't show on the site plan if they are going to keep the Mulberry driveway or coming in from Ridge Road.

Mr Cabral stated that on Ridge Road there are a number of trees, and they don't want to knock any trees down. That's part of the reason why they did what they did, or they could have gone back and knock down a big Maple tree. They're trying to work around it. Right now, the driveway would be coming in from the Ridge Road. He has no issue with the driveway coming in from Mulberry and creating a round semi-circle driveway. It's really a design issue with the doors being on Ridge Road. The doors could be on the Mulberry side, but its not the design they selected.

Mr. Tanner confirmed that this petition requires two variances, both are front yards, because it's a corner lot. Approximately a 5' variance for Mulberry Road and they need just over 6' variance on the Ridge Road side.

Ms. Alyson Ring, 61 Mulberry stated she lives next door to the property, but Ridge Road is between her house and this property. Their house is located close to Ridge Road,

14 NOVEMBER 2022

its one of the original houses, maybe a 100-year-old house; their bedrooms are on that side of the property. She reviewed the plans and had a few questions and maybe some consideration on some potential problems that could be mitigated. The garage doors, to her is a significant change. The reason for the variance request is mostly because the desire to have an attached two-car garage. So, changing the doors to Ridge Road, and she understands that garage doors are unattractive. But she feels that having them in the front facing the main road, facing Ridge Road, close to the road, close to the intersection. How close should a curb cut, or driveway be to an intersection. She's not sure of the Town's traffic standards on that. It is busier than one might expect. Ridge Road is a cut through street. And if there are cars parked there, the visual there might be reduced. The other concern is that there is a row of street trees on Ridge Road that the Town owns, and she wasn't sure whether or not one or more of those would need to come down to accommodate the driveway. Because the driveway isn't shown on any site plan. She doesn't know how wide it is and where its going to be located. She would recommend a wider curb cut or driveway could help mitigate the need for eliminating some of the trees. Also, storm water runoff concerns and just the aesthetics. She would not like to see a really wide paved driveway, just unattractive paved asphalt. The Zoning Board recently approve a variance across the street from her and its an oversized garage, so she does have four garage doors outside her house now across the street from her living room. And now there will be two across the street on Ridge Road. The other concern is that the trees provide screening of the utility lines, which is a benefit for everyone, to have those covered up. The design she thinks is hard. The elevation on the west side, the Ridge Road side, she was having a little trouble understanding how that might end up looking. She has concerns with the design, which she outlined in detail about how many doors, no windows, bland walls. The design will impact her aesthetics as its

14 NOVEMBER 2022

going to be very close to her house and design does impact usage and the feel of the neighborhood, its 44 feet of a roofline uninterrupted, no change in roof style and all within the dimensional variance and all to cover a concrete patio. Again, it may look better in person, but the drawing almost has a commercial feel to it. Also, exterior lighting, what type of lighting is planned for that and if it could be dark side compliance, downward directed, so that there aren't lights going off near her bedroom.

Ms. Ann Gardner, 17 Acacia Road, stated that she is happy to see this house finally rehabbed, it's been sitting there vacant for 25 years. And she doesn't think the design will change the feel of the neighborhood.

Mr. Cabral stated that in regard to the lighting, as with his house on Ferry Road, they don't have lights that come on automatically, they have sconces on the garage and that's pretty much it. He doesn't plan on putting any lights on that side. As far as the trees go, the plan is still not to cut any trees. To go in between with a narrow driveway and then get wider to get to the two-car garage. He hasn't had any discussion with Ms. Ring, but he thinks the house will look very nice once it is done. They are trying to fit in with the neighborhood; that's why they didn't go up, they have kept it one-story, make it as unobtrusive as possible. He will work with the Town on where the driveway location will be.

The Board reviewed the plans in detail and Mr. Tanner stated that the driveway location will be reviewed by Petition to the Town Council, it gets reviewed by the DPW and the Police Department, as far the intersections, if there's a Town tree that needs to be cut down; there's a review process for new driveways. The Board discussed the neighbor's concerns and Mr. Cabral outlined the design in detail to the Board.

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MR. KERN: Mr. Chairman, I'll make a motion for applicant 2022-35, Edward and Donna M. Cabral, 67 Mulberry Road. The applicant wants dimensional variance to construct a 350 square foot single-story attached garage addition, which will require a 5-foot variance on Mulberry and on Ridge Road he will require another front variance of a 6' 4" variance to come to a setback of 28' 8". The hardship that the applicant seeks relief from is due to the unique characteristics of the subject land and the surrounding roads and not to the general characteristics of the surrounding area or due to economic disability of the applicant. Its because the house has already been there and it is in pretty bad shape right now, its kind of an eyesore for the neighborhood. The hardship is not the result of prior action of the applicant and does not result primarily for the desire of the applicant to realize greater financial gain. He's already purchased the home and he's only improving it. Granting of the requested dimensional variance will not alter the general character of, in fact it will improve the general characteristics of that lot and will not impair the intent or purpose of Zoning or the Comprehensive Plan of the Town of Bristol. The relief requested is the least relief necessary because he would like to have a garage to store inside tools, and cars in there, as stated. The hardship that would be suffered by the owner of the subject property, if dimensional relief is not granted, will amount to more than a mere inconvenience,

14 NOVEMBER 2022

because he would like to be able to get two cars int eh garage and have some storage in the garage. I move that this application be approved.

MR. BRUM: I'll second.

MR. ASCIOLA: All in favor?

MR. BRUM: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. TIPTON: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

14 NOVEMBER 2022

6. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

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

MR. TIPTON: Second.

MR. ASCIOLA: All in favor?

MR. BRUM: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. TIPTON: Aye.

MR. KERN: Aye.

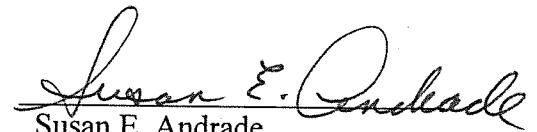
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 7:55 P.M.)

14 NOVEMBER 2022

RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 14 NOVEMBER 2022

Date Accepted: 12-5-22

Chairman: 