

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

04 MARCH 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. TONY BRUM
MR. DONALD S. KERN
MR. GOERGE D. DUARTE, JR., Alternate
MS. KIM TEVES, Alternate

ALSO PRESENT:

ATTORNEY ANDREW TEITZ, Town Solicitor's Office
MS. DIANE WILLIAMSON, Town Planner

Susan E. Andrade
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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 February 6, 2024, minutes.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve the minutes of February 6, 2024, as written.

MR. KERN: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were accepted)

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CONTINUED PETITIONS

MR. BURKE STEPPED DOWN, MR. DUARTE SAT ON THE BOARD

2. 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.

Mr. Thomas Dawson presented the Petition to the Board. He explained that this would be a second approval from Zoning, which came about because he made a selfish change to the plan. He is the architect and the owner of the property. He added two feet toward the rear on the previously approved addition. So, it was previously 22 feet overall and now it will be 24 feet on both floors in the direction toward the rear, where he did not seek relief in zoning before. He is way clear of the setback, and he already has approval for the side, where he did encroach into the setback. This fairly administrative, but understand he has to follow the rules.

Mr. Tanner confirmed that zoning was already approved, and he is only looking for one variance, the side setback. That hasn't changed; in June 2023 the Board approved the addition 18' 18" wide by 22' deep and the applicant now wants to go 24 feet deep; but still in the same line with the same setback.

Mr. Dawson stated that he also added a notch where the new foundation will hit the existing house, it was done to deal with the intricate corner and eave trim of the house. It will help a little with the connection from the old to the new.

The Board reviewed the plans in detail, along with the original decision. Mr. Teitz explained that the motion could reference the original decision and note that there is no

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change in the situation to the property or the neighboring property since it was previously here; so that all of their previous findings are still in effect and incorporated by reference.

Mr. Tanner noted that the applicant did go back to HDC for the extra feet on the back of the house; and that was approved in December.

No one spoke in favor or against the Petition.

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MR. BRUM: I'll make a motion to approve Petition 2024-01, seeking a 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. Located at 15 Burton Street. I would like to reference the previous approval in a decision of this Board file number 2023 and note that there are no significant changes to the application; there is no further encumbrance by the applicant into neighboring property. And the fact that the impact of the two feet that was extended to the rear does not afford any true material change to the original findings of this Board. The forementioned hardship that the applicant seeks relief from is due to the unique characteristics of the subject land, as previously referenced. And the changes will not impact the characteristics of the neighboring properties and it is accordance with the Comprehensive Plan. The relief is the least relief necessary for this particular case. For those reasons, I make a motion to approve.

MR. SIMOES: I'll second the motion.

MR. ASCIOLA: All in favor?

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- MR. SIMOES: Aye.
- MR. BRUM: Aye.
- MR. KERN: Aye.
- MR. DUARTE: Aye.
- MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

MR. DUARTE STEPPED DOWN, MR. BURKE SAT ON THE BOARD

3. 2024-04

LARRY GOLDSTEIN/TSL, LLC

**267 Thames St.: W
Pl. 9 Lot 50**

Dimensional Variance to modify exterior walls and roofline of a portion of the existing Bristol Harbor Inn hotel building and construct eight (8) new hotel rooming units on the third floor of the structure with less than the require lot area per rooming unit.

Attorney Helen Anthony, Anthony Law, LLC, 42 Weybosset Street, Providence, RI. Presented the Petition on behalf of the applicant. They are requesting dimensional relief to add 8 new hotel room to the third floor of the Bristol Harbor Inn at 267 Thames Street.

Mr. Spencer Mccombe, architect on the project, explained that he's been working on the property since this ownership took over approximately ten years ago. They have been slowly renovating, fixing and bringing the whole campus back to life and they have been attacking the project throughout renovating and maintaining the property. This is the only hotel, currently, between East Providence and Middletown. So, it's in high demand and the hotel operators are essentially looking for any relief to house the people looking for hotel rooms anywhere in the East Bay. As they've worked on this property, they have found and added rooms in small unused areas as possible. Sometimes changing retail areas into hotel rooms. But that was all within the general envelope of the buildings that are there. This application is essentially to connect a central section of the campus, which has a larger work building with what they call the bank building out front. The initial design connected the two buildings and they do connect; there are stairways, elevators and hallways that are already on the level they are talking about, but there is no head room. They proposed to the HDC, as far as adding the dormers, which were on the lower next level down, one level up, to create 8 more rooms,

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stacking directly on top of the hotel rooms that are there. It's going to mean some rebuilding of the lower roof area now and then a new roof on top of the new enclosure. Essentially, all the building is happening within the bounds of the existing mass. It will be very difficult to see from Thames Street, and very difficult to see from the water, but if you look from the side, you will see a difference. The dormers are now moved one level up. They feel like it's a sensitive design, the HDC voted unanimously in favor of it, and they are just trying to connect the dots of an existing building that does have this footprint that is available. They are asking for relief from is the density per rooming unite per square foot, which is spelled out in the paragraphs he has listed in the application. The Zoning Ordinance allows 1,500 square feet per rooming unit, and they will be at 1,049 square feet; so, 451 square feet per rooming unit per foot would be the slight variance being requested. Parking on the area, although they are not requesting it, although they are adding 8 rooms; when looking back at when this area was first established, there was a number of parking spots, but looking at it again with current parking standards and the idea of shared parking, etc., they actually fit down to the last spot. The uses that are there currently and all which have changed slightly still fit within the variances initially granted for this property. This is a unique situation; this is a dense urban environment, it's meant to be this way and always was this way. He feels like this is a great opportunity to allow this business owner to fill out some unused space in the center of the property. They have been in close contact with the Condo development just to the north, and they are in full support. This is not a hardship that the applicant put on themselves, this was a built-out design from 20 plus years ago and they are just trying to make the best of the current situation. They do not believe that granting it would alter the general characteristics of the surrounding area. HDC agrees that this addition will be harmonious with the massing of the overall complex. This is the least relief that

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they could ask for. Hotel rooms are a certain size, they have a template of four and four rooming units, and they are basically doing the same above them. Having them be smaller by a couple of feet just makes no sense.

The Board reviewed the plans in detail. The difference in height from existing will be 4 feet. The variance is due to the land ratio to how many rooms are allowed.

Mr. Burke pointed out that the application stated 50-foot height for the roof line. Mr. McCombe stated that was an error, that the height is 35.4; the 50 feet is the elevation, and it was a typo on the application. Mr. Teitz noted under State Law they would be measuring the height from the base flood elevation anyway. So, it would give extra height.

Mr. Asciola stated that from what he sees in the plans, one would not even notice it and it seems to be a good use of space.

Mr. Burke brought up parking and a couple of observations, he agrees that there is a need for more rooms. But he noted that when there are events and people are trying to park, people are told that they can't go through, and they have to try to back up in all of the traffic and try to get out the other entrance and asked why that access is being cut off. To him, adding more density isn't going to help the situation. Mr. McCombe stated that he didn't even know it was a concern but would certainly voice it to the ownership who may or may not be aware that it is happening. Discussion was held on this matter; however, a parking variance was not required on this application.

Mr. Tanner stated that he tried to explain it in the Staff report. From the original decision back in 1998 there is a number of off-street parking spaces. But as indicated, over the past several years the hotel has come before the Town three or four times for different forms of relief. When this development was created there was a lot more commercial space, and with the

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change in the economy a lot of that space wasn't being used and they converted that to rooming units. And the way the parking calculations work out, they actually sort of reduced their parking demand, per Zoning. And, in a previous Zoning amendment the Town exempted certain commercial uses from parking in the Downtown and Waterfront zone. So, a lot of the service businesses and restaurants no longer have a parking requirement. Because it is felt that people walk, and they come from all over. So, rather than mandating parking like on Gooding Avenue, where you need so many, the Council adopted some Ordinance amendments in recent years. Their overall parking requirement has actually gone down. So, the calculations actually work in the applicant's favor.

Mr. Duarte stated that they mentioned 400 square feet per room; so, the dimensional variance they are asking for would be 3,200 square feet. Mr. McCombe stated it was 451 square footage per room, total room, 71 rooms in the overall property.

Mr. Teitz stated that the rooming unit issue dates back to the early 1990's and at the time there wasn't a lot of dense development with either rooming units or dwelling units along the waterfront. That was when Stone Harbor was just getting going and the hotel. So, that was somewhat arbitrary, it wasn't capricious, but it was a somewhat arbitrary number on the density calculations, which has since been changed in other area; like with Robin Rug and so forth. Because the problem is that it doesn't make sense with multi story buildings. It's fine if you have a subdivision and are building a two-story house or something. But you're building a four or five story hotel or have a five-story existing Mill building, it doesn't work to have that kind of limit on your square footage. And, in fact, that's why the Robin Rug was changed more to a square footage initially. It's kind of historically inaccurate, that 1500 foot per lot area.

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Mr. Mccombe continued and stated that in regard to hardship, the applicant is in kind of a tough spot of having more demand than they have rooms and do denying this would just keep them there and less people could stay in the East Bay in a hotel room, so it would be more than a mere inconvenience if the application is denied.

Mr. Tanner clarified that the square footage is for the entire complex on the west side of the road, Plat 9, Lot 50, which is one assessor's lot at 71,000 square feet. Mr. Burke stated that it's kind of crazy because it's got multiple buildings and it's very hard to equate that measurement to the number of rooms, because they're using a parcel that has multiple buildings on it to figure out how many total rooms they have. Mr. Tanner stated he was correct, so there are unique characteristics of this lot.

No one spoke in favor or against the Petition.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve file number 2024-04, Larry Goldstein/TSL, LLC at 267 Thames Street to add 8 additional units for a total of 71, that would require square footage of 106,500 feet, where the lot is only 74,488 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, or to an economic disability of the applicant. This location is designed for hotel housing, it's being utilized for that, and as the need increases, this is one way to satisfy that requirement. The hardship is not the result of prior action of the applicant. They purchased the property and it's an ongoing business concern and they are reacting to market conditions and changing

economic conditions to the commercial part of the building. 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. Hotels are allowed in the waterfront zone. In fact, it will enhance the capability of the Town of Bristol to attract guests and business to the Town. The hardship that would be suffered by the owner of the subject property, if the dimensional variance is not granted, will amount to more than a mere inconvenience, because the growth of the property would be stagnated. I so move.

MR. SIMOES: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. BURKE: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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4. **2024-06**
JOHN M. LANNAN/
Fairpoint Realty, LLC

111 King Philip Ave: R-10
Pl. 147 Lots 61 & 62

Dimensional Variance to construct an 845 square foot living area addition and a 75 square foot deck addition to the second floor of an existing single-family dwelling with less than the required front yards on a corner lot; and to construct a 10' x 22' breezeway and porch, and a 24' x 24' two-story garage addition to an existing single-family dwelling with less than the required front yard on a corner lot.

Mr. John Lannan presented the Petition to the Board. He explained that he originally thought the footprint of the house itself was grandfathered but found out that it is not. Basically, he bought the property right around Labor Day. The house is small, about 900 square feet total, including upstairs. He would like to pretty much take the roof off and put a full second floor on it and then to the left, which is a second lot. The house right now sits on one lot, and it actually has all the setbacks that it needs, and he'd like to climb on to the other lot to the south, add a breezeway and a two-car garage: along with redoing the top of the existing house.

The Board reviewed the plans in detail with Mr. Lannan. Mr. Lannan stated that there is a typo on the application, the addition is only on top; the porch will not be closed in, they are only going to renovate the porch. Mr. Lannan also noted that they took out the original plan to have a kitchen above the garage; but he would like to have a bathroom up there and it will just be one big room. Again, Mr. Lannan explained the porch will remain a porch, but the second floor will extend over the porch.

Mr. Brum noted that given this is a corner lot, there are two front yard setbacks. On the left side it encroaches the setback by 21.2 feet. Given the positioning of the road, could it be said that to be characteristic of the neighborhood. Mr. Lannan stated that its certainly

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characteristic of that neighborhood. This is a larger lot down there, there's a lot of 5,000 square foot lots, it used to be summer homes, and this is one of the iconic houses on the corner. How it wound up in that configuration on that lot he does not know. When they had a Class I survey done, it showed that there is actually 30 feet of grass on that side of that house. The problem is that the Town owns most of it. The asphalt is 30 feet away from the porch. It is Town owned property, but that's why when you drive by it looks normal.

There are two lots here and he will be merging both lots and putting the garage onto the second lot, connecting to the single-family dwelling. Mr. Burke noted that the original application requested a Special Use Permit. Mr. Tanner stated that was evidently a typo, no Special Use Permit is needed. Mr. Burke noted for the record that no Special Use Permit is required, as listed in the original application.

Mr. Lannan confirmed that he is above the flood zone.

No one spoke in favor or against the Petition.

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MR. BRUM: Mr. Chairman, I'll make a motion to approve file number 2024-06, John M. Lannan/Fairpoint Realty, LLC for a dimensional variance to construct a 10' x 22' breezeway and porch and a 24' x 24' two-story garage addition to an existing single-family dwelling with less than the required front yard on a corner lot. The dimensional variance in which the applicant seeks relief would be from the right side. In an R-10 zone the required setback would be 30 feet. The applicant would be seeking a variance of 19.5 feet. The front yard setback of 11.6 feet. This dimensional relief that is provided is due to the unique characteristics of the subject property.

Currently the front yard setback is where the house was positioned originally, and the applicant has testified that he did not build the home. In fact, he was barely alive when the home was built. So, and again, the applicant has testified that on this particular section of the corner of King Phillip and Narrows Road that there is quite a distance of pavement and that a portion of the Town's property there is covered by grass and will be utilized as a front yard and a portion of a driveway for this particular property. Further encroachment would not be any greater than the footprint is currently encroaching. The dimensions in which the applicant plans to further develop the home and the lot is actually farther away from any required dimensional relief. As the applicant stated the lot is a 10,000 square foot lot and it is common knowledge that historically the area had many cottages that were built on 5,000 square foot lots and those same cottages now have been transformed to be year-round dwellings; much like what the applicant has requested. The granting of the requested dimensional variance will not alter the general characteristics of the surrounding area or impair the Comprehensive Plan of the Town. As I had stated previously, historically this has been a summer community with cottages. Since it has grown to be a vibrant neighborhood, which continues to be developed as those summer cottages are turned into year round dwellings. The hardship that would be suffered by the applicant if the dimensional variance is not granted would be more than a mere inconvenience. As the applicant has testified, if granted this variance the

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lots would be merged and there would be a single dwelling. For us not to grant, it may create a change to the community and require the applicant to seek relief that would be less appealing than in this particular project. So, for those reasons I make a motion to approve.

MR. SIMOES: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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5. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

MR. KERN: So moved.

MR. SIMOES: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. KERN: Aye.

MR. ASCIOLA: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:03 P.M.)

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RESPECTFULLY SUBMITTED,

Susan E. Andrade

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

Date Accepted:

4/1/24

Chairman:

[Handwritten Signature]