

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

06 FEBRUARY 2023
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
MS. ALAYNE WHITE

ALSO PRESENT:

ATTORNEY AMY GOINS, 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 7:00 p.m. by Chairman Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

03 JANUARY 2023

Chairman Asciola called for approval of the January 3, 2023, meeting.

MR. SIMOES: Mr. Chairman, I 'll make a motion that we approve the January 3, 2023 meeting, 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)

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CONTINUED PETITION:

2. 2023-02

CHRISTOPHER & KAREN A. FERREIRA

**1 Colonia Rd.: R-10
Pl. 61, Lot 47**

Dimensional Variances to modify a previous decision to construct a 16' x 24' accessory garage with attached 10' x 16' carport by enlarging the proposed carport to 12' 3" x 21' and connecting the structure to an existing single-family dwelling with less than the required right-side yard and less than the required rear yard.

No one was present to present the Petition. This matter was held until the end of the meeting to give them time to attend. At the conclusion of the meeting, Petitioners were still not present and the Board moved to continue to the next meeting.

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MR. SIMOES: Mr. Chairman, I'll make a motion to continue Petition number 2023-02 to the March 6th meeting.

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)

(Petition Continued)

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NEW PETITIONS:

**3. 2023-06
MICHAEL & ALEXIS SANTONI**

**9 Sunset Rd.: R-20
Pl. 74, Lot 5**

Dimensional Variances to construct a 22' x 34' two-story accessory garage structure at an overall size and height greater than permitted for accessory structures in the R-20 zoning district.

Ms. Alexis Pappas presented the Petition to the Board. She explained that having lived in Bristol for six years and they have lived at 9 Sunset Road, which the existing house has an attached garage. But the garage is down a very steep hill and not very accessible. They would like to build a new garage in the style of the existing house. They hope to stay in this home and the second floor would give them the chance to grow in the home. She and her husband are both doctors and having both gone through the COVID pandemic experience, the accessory structure would be useful during quarantine and tele medicine. They would not be running a business out of the structure, but would be used for a home office, no patients would ever be brought in. She confirmed that the office is needed for private conversations with patients.

The Board noted the concern that this structure could be used for rental properties. Ms. Pappas stated that is not the intention, this would be used for their own personal use.

The Board reviewed the plans in detail. The proposal does meet all of the setbacks. Ms. Pappas explained that she has spoken with the abutting neighbor and have agreed on the project, including landscaping.

Mr. Tanner noted that there was additional correspondence that was sent to the Board members by e-mail.

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Mr. Vince Geremiah, 4 Mulberry, resident of the area for 52 years, stated that in the letter he received it didn't mention how tall the structure is. Mr. Asciola stated the structure will be 23' high and the zoning ordinance is 20 feet, which will make it three feet higher than allowed. Mr. Geremiah stated that in general he thinks it is good to maintain the regulations of zoning, as he is a little sensitized to the whole thing, because 50 years ago, against his objections, the Zoning Board approved a beach club with 100 families in the adjacent land to his house. And the whole process took forever and ended up in Rhode Island Superior Court and ultimately Rhode Island Supreme Court and they reversed the variance. Now there are three nice homes there.

No one else spoke in favor or against the Petition.

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MR. SIMOES: Mr. Chairman, I'll make a motion that we grant Petition number 2023-06 for a dimensional variance to a 22' x 34' two-story accessory garage structure at an overall size and height greater than permitted for accessory structures in the R-20 zoning district. It doesn't need the land, it's a good size piece of land. And by granting this variance it would not alter the general characteristics of the surrounding area or cause an economic disability of the applicant. And the garage would blend in with the surrounding properties. There are other properties nearby and basically they have, more or less, the same idea, same type garage, two car garage and two stories. And the upstairs of the garage will be for an office and will have a small bathroom, and an entrance on the side of the garage. By granting the requested dimensional variance it will not alter the general

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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 relief, if granted, is the least relief necessary. Therefore, I move that this dimensional variance be granted to the Petitioner.

MR. KERN: 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)

(Petition Granted)

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**4. 2023-07
KYLE MELLO**

**7 Mt. Pleasant Ave: R-10
Pl. 121, Lots 43, 44 & 45**

Dimensional Variances to construct a 13' x 15' 8" single-story mudroom addition and a 28' x 30' two-story living area addition with an attached 6' x 28' front deck to an existing single-family dwelling with less than the required front yard.

Mr. Kyle Mello presented the Petition to the Board. He explained that he and his wife have been living in what is basically a converted summer home; its only about 900 square feet and they need more room. Their family is growing, they have a three-year-old son and they need more space. They would like to have a garage that would go underneath the two-story addition. The slope of the property and road is a little bit odd on Mt. Pleasant, so in order to accomplish what they are trying to do they require a five-foot variance on the front setback for the building itself and the deck will overhang a little bit more. He confirmed that the existing structure doesn't meet the code and they are trying to make it look like it belongs.

The Board reviewed the plans in detail. Mr. Tanner noted that as reported in his Staff report, he wanted to point out that the building height is something that will have to wait until the point of the building permit, but the proposed addition is just a hair under 35 feet; but the property is on such a slope; the survey didn't have topography on it. So, they'll have to do a grading and erosion control plan for an addition of this size. So, at that point they will calculate the height. But its right at 35 but he can't confirm it. It will be the average and if he can't meet the 35 they would have to come back to the Board.

No one spoke in favor or against the Petition.

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MR. TIPTON: I'll make a motion that we approve file number 2023-07, Kyle Mello, 7 Mt. Pleasant Avenue. Applicant is requesting a variance on the front setback of this property and is looking for relief of 4' 10". The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure, in this case the structure. And not due to the general characteristics of the surrounding area or to an economic disability of the applicant. The hardship is not the result of prior action of the applicant and doesn't result primarily from the desire to receive greater financial gain. He's looking for relief because he has a growing family and not enough space for them. The granting of the requested relief will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. The relief requested to be granting is the least relief necessary; he's got more people in his family. The hardship that would be suffered by the owner of the subject property, if the Dimensional Variance is not granted, would amount to more than a mere inconvenience, because he'd need another opportunity to house his growing family. Therefore, I move that we approve this request.

MR. KERN: I'll second.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

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MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

5. 2023-08

LOUIS & JOAN CABRAL

**14 Union St.: R-6
Pl. 15, Lot 52**

Dimensional Variances to construct a covered front porch addition to an existing single-family dwelling with less than the required front yard; and to demolish an existing 20' x 30' single-story accessory garage structure and construct a new 24' x 36' two-story accessory garage structure with less than the required rear yard and at a size and height greater than permitted for accessory structures in the R-6 zoning district.

Mr. Louis Cabral presented the Petition to the Board. He explained that he would like to add a porch on to the front of the house. The house originally had a porch, prior to 1903 there was a porch on the house and they would like to bring that porch back and create the nice effect that it initially had. Secondly, that they have an existing three-car garage on the property. The challenge is that it's a small garage and they can not fit three cars into the three bays that exist. They are asking for relief to allow them to construct a new three-bay garage, but they are asking for a second floor, simply to be used for storage.

Mr. Simoes noted that the existing garage is only about 1 foot off the property line. He sees no reason why the garage couldn't be moved forward to the required six feet. Upon visiting the property, he saw nothing that would interfere with moving the garage forward to meet the six foot requirement. His concern with a structure only one foot from the property line is for water runoff into neighboring properties, along with having room for any maintenance that would be needed.

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Mr. Cabral stated that their intent was to try and save the existing structure as much as they possibly could and build upon it. Over the last few days, once that he realized that it would be a topic of discussion, he had his engineers look at the garage again. It was determined that it would be a challenge to save the existing garage and add onto it. So, they need to go back to the original intent of knocking it down. If they are going to knock it down, which is what they are proposing, then they would need to look at moving it forward a bit to be able to give the distance required by zoning. But they have a little bit of a challenge, because its not just moving it forward, because if they move it forward too much, its going to impede with the house. They'll have to move it forward, but possibly move it over to the side as well.

In response to the property being in the Historic District, Mr. Cabral stated that he has gone before the HDC and that he has received favorable comments, more so than what the actual report states. The Board was unanimous in support of the porch, as well as building the garage.

Mr. Tipton stated that since the proposal is going to change the position of the garage on two different plains, if it was approved, he questioned on whether the Board can condition approval on movement of the garage being in conformance with the codes.

Ms. Goins stated that its really the Board's choice, whether to continue the application and ask for a revised site plan showing where the garage will be, once they've figured it out; or if the Board does approve the application at this hearing, they can just condition it on the garage to be either in compliance, or grant whatever relief might be needed.

Detailed discussion was held with Mr. Cabral on the reasoning with meeting the setbacks. With the height variance of 2' 9", that can be worked with, but further plans need to be worked on in order to see what the final outcome of the building structural requirements will be.

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In regards to the porch, Mr. Tanner stated that the survey shows that the front porch being 3.3 feet from the lot line and then the stair. As long as the stairs are don't impede onto the public right-of-way, they should be fine. And in that area, there are many similar situations.

Mr. Tanner noted that his concern is that typically you go to the HDC first, and Mr. Cabral did go before them and got conceptual plan. Now Mr. Cabral is front of the Board and there are some changes. If the Board sees fit to approve it, they should include some sort of condition that says that if when he finally goes to the HDC with the details, if things changed, the building gets moved, or something, he should probably come back to Zoning if it's a substantial change.

Ms. Goins stated that Mr. Cabral's concept approval is kind of like a general review of the plan. Whereas the Certificate of Appropriateness is the official approval of the plans as presented with all the details.

In response to Ms. White asking if the applicant should come back with revised plans, Chairman explained that if he rectifies all the other requirements, other than the height, he wouldn't need to come back before Zoning.

Mr. Tanner noted that the Board also needs to review the overall size. Mr. Brum noted the existing is 20' x 30 and the proposed is 24' 36'.

In response to Ms. White's question regarding the proposed use of the second floor of the garage, Mr. Cabral stated it would be used for storage. The foundation of the house is from 1849, stone foundation with mortar, so its quite damp in the basement. They are looking for a drier area for storage of any items that they have; and he confirmed there would be no bathroom on the second floor.

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Ms. Catherine Essilen, 23 Summer Street, and she was pleased to hear that the garage will be moved. Her understanding is that the design doesn't fall under the Zoning Board's prevue. However, she does have concerns about the second story, the height and the size of this garage. In her opinion, its not in the keeping of the Historic District. Some other people have garages, some are very old, some of them are sheds, but its not a three-car, two-story gambled garage. She's concerned that the historic character is sort of not in keeping what's there. She did not go to the HDC because she didn't get notice of it. She asked if the applicant is entitled to a three-bay garage because of the existing garage.

Mr. Tanner explained that by demolishing the existing structure, the applicant would loose any grandfathered rights to that structure; that's why he's before the Board.

After detailed discussion between Board members in regards to the fact that its in the historic district and that even though he has a large piece of property, there is question on whether the size fits into the existing area. The Board suggested that Mr. Cabral submit his revised plans to the HDC, see what HDC's review reveals and then come back to the Zoning Board with revised plans.

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MR. KERN: Mr. Chairman, I'll move that file number 2023-08, Louis and Joan Cabral, 14 Union Street be continued to one month until March 6th.

MR. BRUM: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. TIPTON Aye.

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MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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6. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

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

MR. BRUM: Second.

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)

(MEETING ADJOURNED AT 8:02 P.M.)

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RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 06 FEBRUARY 2023

Date Accepted:



Chairman:

