

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES  
THE ZONING BOARD OF REVIEW  
OF BRISTOL, RHODE ISLAND

01 MAY 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. TONY BRUM  
MR. DONALD S. KERN  
MR. DEREK TIPTON  
MS. ALAYNE WHITE

ALSO PRESENT:

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

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 7:15 p.m. by Chairman Joseph Asciola at Bristol Town Hall, 10 Court St., Bristol, RI

**1. APPROVAL OF MINUTES:**

**03 APRIL 2023**

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

MR. SIMOES: I 'll make a motion that we approve the April 3, 2023, meeting, as presented.

MR. TIPTON: I'll second that motion.

MR. SIMOES: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes approved)

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**CONTINUED PETITION:**

**2. 2023-09**

**DANIEL L. & Lillian C. Leeser**

**12 Brookwood Rd.: R-10  
Pl. , Lot**

Dimensional Variances: to construct a 24' x 26' accessory garage structure and a freestanding decorative pergola structure with less than the required front yard on a corner lot; and with the garage at an overall size greater than permitted for accessory structures in the R-10 zoning district.

Chairman Asciola stated the applicant has asked to continue this Petition to the June 5<sup>th</sup> meeting.

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MR. BURKE: Mr. Chairman, I'll make a motion to continue that item to the June 5<sup>th</sup> meeting.

MR. BRUM: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

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**Mr. Kern stepped down; Mr. Tipton sat on the Board.**

3. **2023-15  
GOODING AVENUE LLC.**

**73R Gooding Ave: M  
Pl. 106, Lot 63**

Special Use Permit: to temporarily install two prefabricated relocatable storage or shipping containers on a commercial property.

Mr. Michael Morra stepped up to present the Petition to the Board, property manager at Superior Comfort applying for the variance.

After questioning by Attorney Tietz, it was determined that there was no written authorization giving Mr. Morra permission to present the Petition. The Board explained that proper authorization is necessary, and the Petition should be continued.

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MR. BURKE: Mr. Chairman, I'll make a motion to continue file number 2023-15, 73 Gooding Avenue LLC, for a special use permit to the June 5<sup>th</sup> meeting.

MR. SIMOES: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

**Mr. Tipton stepped down, Mr. Kern sat on the Board.**

**4. 2023-16**

**Frank J., Robin A. & Brandon Paulino**

**52 Thompson Ave.: R-10  
Pl. 22, Lot 119**

Dimensional Variances: to construct a 20' x 26' two-story addition to the rear of an existing single-family dwelling and to convert the structure into a two-family dwelling with less than the required left side yard and less than the required lot area per dwelling unit.

Ms. Robin Paulino and Mr. Brandon Paulino presented the Petition to the Board. Mr. Paulino explained that they were seeking a dimensional variance for a proposed addition on his parents and his home. The goal is to go from a single-family home to a two-family home, for his parents to live on the first floor and himself on the second floor. This would eliminate stairs from their daily life, as his father is elderly and handicapped; it would benefit his and his mother's daily living. They understand the town's requirements, but request this for an easier life for their family, allowing them to be together, yet have their own living spaces. The street is filled with about 60% multi-family homes, so it will fit right in with the neighborhood. The addition would be coming off the rear of the home, extending it 26' long and meeting the existing width of 20' wide. The rear left variance they are requesting is not close to their neighbor's home. The addition allows for a fresh renovation to an old home that needs to be updated in many ways. Being able to keep this home in the family and bring them closer together is all they ask. He would like his parents to be able to spend their time together in their home and not worry about the daily homeowner obstacles and expenses. Doing this will allow his mother to be able to take care of his father, as she is getting closer to retirement and himself to take care of all the daily needs that come with owning a home.

**Mr. Brum stated that he realized that this property abuts his mother's property and would have to step down. Mr. Brum stepped down and Mr. Tipton sat on the Board.**

Mr. Burke asked for guidance on Accessory Family Dwelling Unit changes in the State Law. Mr. Tietz stated the Town has not modified the AFDU. After detailed discussion on this matter, it was determined that this would be looked at as a two-family on a legal non-conforming legal lot.

The Board reviewed the plans in detail with the applicants. Ms. Paulino explained they have room for four cars in the driveway and they have a designated handicap spot in front of the home; they also have a garage. The existing dwelling unit is 1,050 square feet and the lot is 172 feet deep and 50 feet wide. There are 26 homes on the street and 16 are multi-family homes.

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 2023-16, Frank J., Robin A. and Brandon Paulino, 52 Thompson Avenue for a left side yard variance of 5 feet. The standard setback for a non-conforming lot is 10 feet and they're requesting a 5-foot variance. Also, the Ordinance requires 20,000 square feet for a two-family, per the current Code. They're requesting a two-family on an 8,535 square foot lot. 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 character of the surrounding area, or to an economic disability of the applicant. Per our deliberation and discussion with the applicant, the street is primarily

multi-family on non-conforming lots. That the hardship is not the result of prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The application and testimony support the intent for the son, Brandon, to live in the residence to assist his parents who will reside on the first floor. 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. It is a permitted Use, and it is characteristic of that street and that neighborhood. Additionally, they have more than adequate parking for the intended Use. The relief requested is the least relief necessary. It's a modest addition to a small dwelling unit to make two dwelling units for the three people who will reside there. 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. Not having a child able to assist because we haven't provided the variance is certainly a hardship, more than an inconvenience. I so move.

MR. SIMOES: I second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.



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MR. BRUM:           Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

**Mr. Tipton stepped down, Mr. Brum sat on the Board.**

**5. 2023-17**

**Jesse James**

**477 Hope St., LLC**

**477 Hope St.: D**

**Pl. 9, Lot 52**

Dimensional Variance: to construct a third floor living area expansion, including raised exterior wall heights and altered roof pitch, with less than the required rear yard.

Mr. Jesse James presented the Petition to the Board. He explained that he is requesting a dimensional variance to go up into the third floor of the building, raising the exterior walls six feet, not changing the roof height, just changing the pitch of the roof. The third floor would be an extension of the second-floor apartments. At present there are four one-bedroom apartments on the second floor, and this would make them two-bedroom apartments. It would still be four apartments, but now they would be two- bedrooms each instead of one bedroom each. This structure is in the Historic District, and he has been before and accepted by the HDC.

Mr. Burke expressed concern that adding four more bedrooms could potentially add four more vehicles without parking. Ms. White stated that there is an exemption for parking requirements in downtown and waterfront zones. Mr. Tietz also explained that parking requirements are per dwelling unit, not bedrooms; in this case it doesn't apply either way. However, there could be a condition set for parking, if there was at least ten feet in the rear of this property.

Mr James stated that two of the tenants have been living there for five years and both have said they are looking for more space. They are good tenants and wouldn't want to lose them.

No one spoke in favor or against the Petition.

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MR. BURKE: Mr. Chairman, I'd like to make a motion to approve application file number 2023-17, Jesse James, 477 Hope Street, LLC at 477 Hope Street, to do a third-floor expansion without the required yards, rear, front, side yard setbacks and also with a lot of coverage approaching 100%. 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. We heard testimony and contained in the application is the desire by current tenants to have expanded living spaces and that's what this proposal and application will achieve. That 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. Its really just an expansion to make more living space for the current tenants. 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. The Plan actually requires that there be retail space on the first floor in this district and residential areas on the upper floors. The relief requested to be granted is the least relief necessary. As we discussed during testimony, the expansion has to affect the entire roof and therefore will impact all four apartments. The hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted,

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will amount to more than a mere inconvenience. Because he will be required to continue to rent them as small one-bedroom apartments. I so move.

MR. SIMOES: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

**6. 2023-18**

**FAIR WIND PROPERTIES, LLC**

**1 Coggeshall Ave.: R-10  
Pl. 147, Lot 50**

Use Variance and Dimensional Variances: to demolish an existing single-family dwelling and an existing two-family dwelling on one lot, and to replace them with new structures having the same number of residential dwelling units and similar footprints as existing, and with the addition of covered front porches; with less than the required front yard, less than the required rear yard, and with greater than permitted lot coverage by structures.

Mr. Danial Ferreira, Manager Partner, presented the Petition to the Board. He entered some existing pictures of the existing property.

Twelve photos with information written on the back of each were entered as Exhibit A.

Mr. Ferreira explained what the Board was looking at. The current structures are in bad shape, with the current duplex has been condemned by the Town, because its foundation failed during a storm and is being supported by Aquidneck Movers to prevent it from falling down. He explained that there is also a tremendous amount of mold that has been growing inside the property as well. The cottage does not seem to have a proper foundation below frost, so there is a lot of frost heaving on that property. He explained the photos in detail to the Board.

Due to the current conditions of the property, he would like to demolish both of the buildings and put up two new buildings of similar size and height. He asked that the board review the dimensions supplied in the Petition.

It is currently a three-family property and they would keep it as a three-family property, keeping it as originally set out as a cottage and a duplex, giving it a little more curb appeal. The current duplex is over on the Town's property line by about a half a foot, and they

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would bring it back by a minimum of 1 foot off the Town property line, where the front porch is being proposed and the remaining portion would be back six feet from where the current building sits. The cottage is going to virtually stay in the same position, except that it will have a covered front porch, to give it more curb appeal and fit in more with the surrounding area.

There is plenty of parking on the property, which is enough to support the properties that are there now. He is planning on expanding probably to two more spaces, just to make sure that there is enough for two parking spaces per dwelling unit.

This is a preexisting three family, zoned R10, its under 9,000 square feet in total, which means its only approved for not even a single-family without coming to Zoning. Mr. Teitz stated that as it is now, it is legal non-conforming use as a three-family property.

A plan marked in green highlighted dimensions outlining the buildings was marked as Exhibit B.

Mr. Tietz asked to review Exhibit B and noted that the two-family building, labeled 5-7 Coggeshall is one foot off of Coggeshall Ave. Mr. Ferreira stated that its actually over the line, and the new structure's proposed front porch will now sit 1 foot off that line. Then the two corner cut-outs show six feet further back. The covered front porch will be the entrance to the properties. The entire building will be five feet back. There will be no steps towards Coggeshall, they will go along the side of the property. From the existing parking pavement, people will just walk up to the front porch and not walk along Coggeshall Avenue. The exhibit was reviewed in detail. Mr. Tietz reiterated that the duplex building will have the foundation six feet back and the porch will come within a foot of the road, including the overhang. In regard to 1 Coggeshall Avenue, what would be the southwest corner of the building, the one farther down

Coggeshall Avenue, next to the deck will be 2 feet. So, it will be two feet off of Coggeshall and two feet off of Narrows Rd, whereas currently it sits .35 feet on that southwest corner.

In response to concerns on the building being only one foot off the road, Mr. Ferreira stated that he has the ability, based on Zoning Section 28-219 (a), demolition, which he read to the Board, concerning about voluntary demolition. And stated that under this section he has the ability to knock down what is there, because it can't be repaired, he can knock it down and reconstruct it as it currently stands. A detailed discussion was held on what is voluntary between the Board and the applicant. Mr. Ferreira stated that he has had plenty of meetings with the Town and attorneys with regards to this property. Mr. Teitz explained that they have to fix the foundation, because it's crumbling and affecting the street. But they can't continue to encroach on the street, they have to pull it back a couple of inches no matter what. But they could rebuild on the same location. However, they don't want to do it in the same location, they want to move it a little bit away from the street.

Mr. Burke asked if the applicant has the right to just go in and decide whether to rebuild or repair it exactly the way it is and get a building permit and not come before Zoning. Mr. Teitz stated he was correct; it would have to be rebuilt in place without knocking it down.

Mr. Ferreira stated that he is currently under a purchase and sales agreement at this time, depending on the outcome of the Zoning request. The current owners thought they could repair the property and have found they are just over their head with this property and the issues that come with it. This building was originally built in the 1940's.

Ms. Williamson explained that this has been before the TRC, which includes two members of the Planning Board. Based on the fact that it could be rehabilitated in the same exact location, with the exact same density, they felt that it is a better option to go forward and

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have it rebuilt further off the Town property. Plans for a one building with three units had been reviewed, but the concern was that it felt more like a change to the area, having a three-family dwelling and more of an impact.

Mr. Ferreira also discussed his plans for landscaping that would make it fit more aesthetically into the area.

Mr. Ferreira confirmed that in addition to the severe mold issue, this property also has a severe rodent problem, which affects the neighborhood.

Mr. Kern asked when abandonment has come into play, as there has been no improvements on this property since 2009. Mr. Ferreira stated that once the foundation failed, the property owner did have Aquidneck Island Building movers come in and support the structure and have been looking for options to remedy the problem and just don't have the financial capacity or know how to make it happened. Mr. Tietz stated that abandonment requires not just no action, non-action; it requires either some overt act that indicates the intention to abandon. He gave examples of overt action. The other thing is a little bit harder, which is a failure to act, which again would demonstrate that. Usually that comes in with like failing to maintain licenses; that's the sort of thing that indicates the intent to abandon. Simply not doing anything is generally not considered abandonment of a non-conforming use. Per Rhode Island Law.

Ms. Marylou Benevides, 40 Coggeshall Avenue, asked about parking because there really is not ample parking. She just wants to make sure there is enough parking because the streets down there are very narrow. She thinks it's great that someone wants to do something with that decrepit building. If the parking is taking into account, she is in favor otherwise.



Mr. Ferreira again said that he will be adding the parking as he explained earlier. The Board reviewed the parking plans and Mr. Ferreira pointed them to section R-W on the map and explained that he plans on taking up another 10 or 15 feet into that area and providing more parking spaces in that area and then doing some pathways and walkways along the back side, for a total of six parking spaces.

Mr. Ted Hayes, 134 Narrows Road explained that he is also in favor of the Petition. But he is just east of the cottage and the back of his property line is about halfway down the duplex. The right-of-way is used to access another house behind these three by another neighbor; but the duplex comes very close to his property line. He was never able to look at the plans that were online and he wants to know how far the house will be moving east, because its pretty tight back as it is. It's going to be pretty close to where he hangs out in his back yard and would like to know if there will be anything done about privacy concerns. Secondly, he'd love to see those structures go, as they are a complete eyesore and a disaster and created a hardship for him in their current condition. His mom passed away in January and in the months leading up to it they had no power in half of the house because the rats had chewed through it. He wants to ensure, and the applicant has said that he will, but he wants to know that when these buildings come down whatever is left in there doesn't just move into his house. Because it's been just an absolute disaster for him to deal with the rats.

Mr. Ferreira stated that the existing deck in the back will not be rebuilt, they plan on making patio spaces along the side and in the middle between the cottage and the duplex. The retaining wall does have to stay because of the slope of the land. But the decks are going to be eliminated and they plan on making more patio spaces for outdoor space for people. There is only about a 7-foot setback from the current retaining wall and the property line and he will not

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encroach on that. The 5-7 Coggeshall building is going to shift back a foot, but that is going to shift back into the retaining wall space and its only the back left-hand corner, to make sure that he is a full six feet off of the front property line. In the retaining wall area to provide some additional privacy, they can put up some nice landscaping of 8, 9, 10 feet, to make sure that the people sitting will have a nice private and separate area. In regard to the rodent problem. For the demo permit he needs to make sure that he has rodent infestation taken care of before the permit can be issued. So that's something that he will deal with.

Mr. Kern asked how water runoff will be handled, as there is a slope in that area. Mr. Ferreira stated that he could do a little retention basin around the driveway area, or infiltration trench, so that any runoff from the driveway doesn't go down any further. Or even go as far as the extension portion, do some sort of permeable driveway area. Mr. Brum stated that they also have to have a water runoff plan before getting his building permit.

Mr. Ted Hayes stated that he lives right downgrade from this property and there has never been any runoff issues in the 17 years that they've lived there. Mr. Hayes also inquired about any recourse if even after the rat extermination, what happens if they return. Mr. Teitz stated that he would complain to the building official, who is in charge of demolition, in order to reach out to the contractor and whoever the exterminator is. There are probably other rats living in the area no related to the house, but they will do what they can.

Mr. Burke stated that they have allowed more residences than was allowed and based on the current condition, this will be a better condition when completed. The Boar consensus was that knocking down these buildings and replacing will be a benefit to the area.

Mr. Tietz noted for the record that on Exhibit B, the deck, which is shown on the east side of 5-7 Coggeshall Avenue is not going to be replaced. Mr. Ferreira stated that he

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agreed, they're going to do patio spaces on the side. Mr. Teitz also suggested a condition that a landscaping plan be approved by the TRC, completed by a licensed landscape architect.

Ms. Williamson stated that there will be a permit for a foundation, and it will require an as-built survey plan to be submitted.

Mr. Tietz noted an e-mail from Jeff and Eileen Merkel, who recently purchased a house at 15 Coggeshall Avenue, effectively in favor of it. Marked as Exhibit C.

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MR. BRUM: I'll make a motion to approve file number 2023-18. The applicant is requesting a use variance to demolish and rebuild two residential structures at the property located on the easterly side of Coggeshall Avenue and southerly side of Narrows Road. The property is non-conforming by dimension, as it contains approximately 8,500 square feet of land. The property is also non-conforming by use, as it is improved by two principal residential structures. I'll make a motion to approve a Use Variance to retain the two separate structures: one one-family, one two-family. And I'll make a condition to approve the dimensional variance but based on these following conditions. The dimensional variance to be approved to allow the applicant to build 1 Coggeshall Avenue and 5-7 Coggeshall Avenue will have a landscaped plan and drainage plan submitted to TRC, an as-built foundation survey completed. The approval of this variance is also based on the applicant creating six spaces for the three separate units, as well as any new driveway will be permeable. The hardship that the applicant seeks relief from is due to the unique

characteristics of the subject land. As stated, the applicant did not build these two properties. And as we've heard in testimony, the two properties are a blight on the community. The disarray the properties are in was also not any action of the applicant and he is currently seeking this approval in order to purchase the properties to renovate them. The two structures... and the first structure, 1 Coggeshall, shall be no closer than 2 feet on the southwesterly side of Narrows and Coggeshall and 5-7 Coggeshall Avenue will be one foot from the property line on Coggeshall. These two structures will no longer have the decks that are currently listed on Exhibit B that the applicant provided. In addition, the applicant will provide, as stated in the condition, the TRC landscaping plan along the existing right-of-way. The hardship is not for any desire of the applicant to realize greater gain. The applicant is investing quite a bit of money and time in this property. And as there are several properties available in Bristol currently that could serve as income for the applicant, in this particular case the applicant has taken on a property that is over time degraded and has now become a blight on the community. By granting this requested dimensional and use variance, it will not alter the general characteristics of the area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. This area of Town was previously a coastal summer sort of community with small cottages. In this particular case they're retaining both properties that were on the property before the Comprehensive Plan. By improving them, we will

only improve the state of the neighborhood. The relief requested is the least relief necessary. As mentioned, we're not encroaching any greater than what the properties are currently encroaching, nor are we changing the current use of these properties. It will be more than a mere inconvenience if we are not to grant these dimensional variances and uses; as these properties will continue to stay in the condition that they currently are. One of which is not currently habitable. And with the number of residences needed in Town, we can use as much new properties as possible. For these reasons, I so move.

MR. BURKE: Mr. Chairman, I have a proposed amendment. Mr. Brum, could you just state the conditions at the end of the motion. I know you said them during the narrative, but if you could just state the conditions so that it is clear for whoever is writing the decision. I've learned this on my own motions, if you're not clear they may not get written.

MR. BRUM: Right. So, the first condition will be that the additional paved driveway space will be permeable. The second condition will be that there will be a minimum of six spaces provided. The third condition will be that a landscaping and drainage plan will be submitted to TRC, along with an as-built foundation survey once you have the foundation in.

MR. BURKE: I'll second the motion.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

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MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

**7. 2023-19**

**Eric L. & Ruthann DeLong**

**120 Peck Ave.: R-10  
Pl. 61, Lot 17**

Dimensional Variance: to construct a 22' x 22' accessory garage structure with less than the required front yard.

Mr. Eric DeLong and Ms. Ruthann DeLong presented the petition to the Board. Mr. DeLong explained they would like to put up a detached garage on their property. They bought the property back in June, there was a one-car garage attached to the home, but the laundry was in the cellar. His wife is legally blind, and we didn't want her going up and down the stairs and so they moved the laundry upstairs into that one-car garage and put a mud room on the front. Now they would like to put up a two-car garage to the right of the property. The variance they are asking for is 6 ½ feet, because the back of the property now has a shed on it and what's not shown on the survey plan is that there is a nice stone fireplace in that back left-hand corner. They are trying not to encroach in that area.

Mr. Burke noted that he did see the fireplace and asked if that explains why they want it not squared off. Mr. DeLong stated he was correct, along with the fact that there is a beautiful red maple that they don't want to disturb.

The Board reviewed the plans in detail with the applicant.

Ms. Doreen Manchester, abutting the property owner at 11 Turner Road stated that originally came to the meeting thinking she was going to oppose this, because she didn't know what they were doing with the garage. But now that she sees what they are trying to do and trying to preserve that beautiful red maple and the fireplace, she is for it, she wishes them luck.

A letter in support of 15 Peck Avenue, submitted to the record.

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MR. BURKE: Mr. Chairman, I'll make a motion to approve file number 2023-19, Eric L and Ruthann DeLong, 120 Peck Avenue to construct a conforming 22' x 22' accessory garage, with less than the required front yard setback, in order to preserve a maple tree and a stone fireplace; and they require relief of 6' 4" from the 30-foot required front yard setback. The hardship from which the applicant seeks relief is from the unique characteristics of the subject land or structure and not to the general character of the surrounding area, or to an economic disability of the applicant. The placement of the garage is based on the maple tree and stone fireplace. That the hardship is not the result of prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. We heard testimony that this addresses a safety issue in having a stairway going down to the existing attached garage. 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. A garage accessory structure is allowed in a residential zone and many many of the properties there are within the 30-yard setback that's currently required by the Ordinance. This house itself is 15 feet from the property line and the garage will be further back from the property line. The relief requested to be granted is the least relief necessary, due to the placement of the tree and the stone fireplace. The hardship that will be suffered by



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the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience, because they would have to remove either or both the fireplace and/or the tree and it would create a safety issue. I so move.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Approved)

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**5. ADJOURNMENT:**

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MR. ASCIOLA: Motion to adjourn?

MR. BRUM: So moved.

MR. SIMOES: Second

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

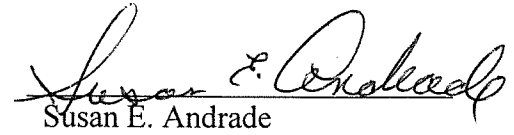
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 9:00 P.M.)

01 MAY 2023

RESPECTFULLY SUBMITTED,

  
Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD  
MEETING HELD ON: 03 APRIL 2023

Date Accepted: 7/10/23

Chairman: 